

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

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.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

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MINNESOTA STATUTES 1878

AN ACT FOR THE REVISION AND COMPILATION OF THE STATUTES.

(1878, c. 67.)

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

SECTION 1. The public acts now in force, including the Revised Statutes of one thousand eight hundred and sixty-six (1866) and the public acts and laws passed since that revision of the statutes, and which may be passed by this legislature, shall be compiled, arranged and put into chapters, with appropriate heads and with references to the decisions of the supreme court.

SEC. 2. The said statutes shall be compiled and published by a commission consisting of George B. Young and such others as he may associate with him under the supervision and direction of the governor, within one year from the passage of this act.

SEC. 3. All expenses of the preparation and publication of said statutes shall be borne by the party publishing them, and the state shall not be liable in any way for any of the expenses of this work. And the price of said compilation of the statutes shall be fixed at six dollars for the entire work.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 20, 1878.

AN ACT IN RELATION TO THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, AND THEIR EFFECT AS EVIDENCE. (1879, c. 67.)

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

SECTION 1. The edition of the General Statutes and other public laws of this state in force at the close of the legislative session of eighteen hundred and seventy-eight (1878), prepared by George B. Young, pursuant to chapter sixty-seven (67) of the general laws of eighteen hundred and seventy-eight (1878) shall be competent evidence of the several acts and resolutions therein contained, in all courts of this state, without further proof or authentication.

SEC. 2. Said compilation shall be known and cited as "General Statutes 1878."

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

Approved March 8, 1879.

PREFACE

This edition of the General Statutes has been prepared pursuant to Laws 1878, c. 67. It is designed to comprise the General Statutes of 1866, as amended by subsequent legislation, and such other laws of a general nature not embraced in the Revision of 1866, nor in terms amendatory thereof, as were in force at the close of the legislative session of 1878. The arrangement of the General Statutes of 1866 has been retained, and laws dealing with subjects within the scope of that Revision are inserted in the chapters treating of those subjects respectively. Two new chapters (123 and 124) have been added, the former consisting of curative and legalizing acts, and the latter comprising a few laws for which no appropriate place could be found under any of the chapters of the Revision of 1866.

The editor has in general followed the text of the printed edition of the General Statutes of 1866, and of the printed volumes of the session laws published yearly by authority of law under the supervision of the Secretary of State, and by him certified to be correct. A few errors in the former, and very many in the latter, are corrected in this edition, as the result of a personal examination by the editor of the manuscript originals on file in the office of the Secretary of State. Words and letters in brackets [] occur in the engrossed bills which passed the two houses of the legislature, but are not found in the enrolled bills approved by the Governor.

The plan pursued in this edition has rendered necessary the renumbering of the sections in most of the chapters, the original section numbers (where they differ from the numbers of this edition) being added in parentheses (). Each new section added is distinguished by an asterisk [*] prefixed to the section mark, thus, *§. Each such new section is followed by a reference to the law from which it is taken, and each section of the Revision of 1866 which has been in terms amended by subsequent legislation is followed by a like reference to the amendatory act. The reader is thus enabled to see at a glance whether any section is an original section of the General Statutes of 1866, an amended section of that Revision, or a sec-

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tion of a new and independent act; and in the latter cases he is informed of the year, chapter and section of the law as printed.

A few sections omitted from their proper places are printed at the end of this preface, and to these, as well as to the table of *errata* following them, careful attention is solicited.

The only merits that can be claimed for such a compilation are completeness and accuracy. So far as this work fulfils either of these requirements, the credit is largely due to the care and industry of Geo. C. Squires, Esq., of the Ramsey County Bar, whose aid has been invaluable to the editor. The copious index has been prepared by Mr. Squires with competent assistants.

GEO. B. YOUNG.

PREFACE TO THE ORIGINAL EDITION.

THE ACT establishing a territorial government for Minnesota, approved March 3, 1849, provided that "the laws in force in the territory of Wisconsin at the date of the admission of the State of Wisconsin, shall continue to be valid and operative, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of said territory of Minnesota."

On the twenty-first day of January, A. D., 1851, the legislative assembly of the territory of Minnesota passed a joint resolution, authorizing the joint judiciary committee of the two houses to call to their assistance such persons as they might think proper, not exceeding three in number, for the purpose of compiling and revising the laws of the territory. Pursuant to this resolution, M. L. Wilkinson, L. A. Babcock and William Holcombe were appointed to prepare and arrange a code of laws and make report to the legislative assembly then in session. The revisors made their report, in accordance with the terms of the resolution, and the same was adopted at the session of 1851, under the style of "The Revised Statutes of the Territory of Minnesota."

By an act passed March 13, 1858, it was provided that "Moses Sherburne, Aaron Goodrich, and William Hollinshead, be appointed commissioners to compile, arrange and put into chapters, under appropriate heads, the public acts now in force, including the revised statutes and the public acts and laws passed since the revision of the statutes, and which may be

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passed by this legislature; and said commissioners shall not enter upon their duties until instructed in reference to the code of practice to be adopted by this state; and that said commissioners report the result of their labors as this legislature may direct." Two distinct and diverse reports were made relating to the code of practice, neither of which were adopted by the legislature, and afterwards, two of the commissioners, Messrs. Sherburne and Hollinshead, caused to be prepared a compilation of the laws then in force, which was published in the year 1859, as a private enterprise, under the title of "The Public Statutes of the State of Minnesota."

By an act of the legislature, approved February 17, 1863, S. J. R. McMillan, E. C. Palmer, Thomas Wilson, and Andrew G. Chatfield were appointed commissioners "to revise the statutes of this State," and were directed to have a report of their doings printed and laid before the legislature at the session of 1864. The commissioners, with the exception of Andrew G. Chatfield, who declined to serve, entered at once upon their labors, but owing to the magnitude of the undertaking, and the fact that a large portion of their time was necessarily occupied in the discharge of judicial duties, the work was not accomplished at the time designated. The legislature continued the commission, requiring a printed report to be made at the session of 1865, but the commissioners found themselves unable to complete the work satisfactorily, within the time limited, and no report was presented.

Gordon E. Cole was added to the board by act approved February 21, 1865, and, as Judges Wilson and McMillan had been placed on the bench of the Supreme Court, the labor of completing the revision devolved upon the other two commissioners.

At the session of 1866, a printed report was made, embracing the statutes as revised, and containing a chapter providing for the express repeal of all existing acts of a general nature not included in the report. The report was referred to a select joint committee, was considered and examined chapter by chapter, and with such amendments as the committee deemed advisable to suggest, was presented to the legislature, which took up, considered and enacted each chapter separately.

Provision was made for letting the printing of the statutes to the lowest bidder, with a condition that the volumes should be ready for delivery on the first day of July, A. D., 1866, and by an act entitled "An act relating to editing and superintending the printing and publication of the general

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statutes," approved March 1, 1866, the undersigned was appointed commissioner "to edit and superintend the printing and publication of the general statutes of the State, together with the Constitution thereof, the Constitution of the United States, and such other additions as he may deem expedient, and to prepare head notes to the chapters, and marginal notes to the sections, with references to such of the decisions of the Supreme Court of the State, and the laws passed at the present session, as relate to or affect said sections, and an exact and copious Index to the whole."

The text of the Constitution of Minnesota and of the statutes has been carefully compared with the rolls, by the editor personally, assisted by the Secretary of State. Such errors as were discovered have been noted by enclosing the omitted or erroneous words in brackets, thus [], but this does not apply to cases where brackets have been used in forms.

Under the authority given the editor to make such additions as he deemed expedient, a list of general acts and sections of acts passed subsequently to the passage of the Revised Statutes, and expressly repealed before the passage of the General Statutes, with references to the repealing acts, has been added, together with a Glossary of such technical words and phrases as are, for the most part, found in the Statutes. In the preparation of the Glossary, the editor has consulted the best authorities within his reach, and endeavored to select those definitions and explanations which seemed adapted to popular as well as professional use.

All the care and labor, which the shortness of the time allowed for printing the statutes permitted, have been bestowed upon the Index, and it is hoped that it will be found sufficiently copious, exact and intelligible to meet the wants of the legal profession and the people generally.

In the necessary haste in which the statutes have been printed, devolving an amount of labor upon the editor, of which no one who has not occupied a similar position can form any adequate conception, it is hardly to be expected that some errors have not occurred, which longer time and a more careful scrutiny would have obviated.

The editor trusts, however, that no serious errors have been committed, and that such as are discovered will find a sufficient excuse in that legislative requirement which gave so short a period for the accomplishment of so extensive and important a work.

E. C. PALMER.

JULY, 1866.

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CHAPTERS AND SECTIONS OF THE GENERAL STATUTES OF 1866 REPEALED OR SUPERSEDED BY SUBSEQUENT LEGISLATION.

r—repealed by; s—superseded by.

GEN. ST.			LAWS.			GEN. ST.			LAWS.		
c.	§		Year.	c.	§	c.	§		Year.	c.	§
2	—	r	1872	21	5	34	117, 125	s	1868	22	§
3	1, 2	s	1871	20	1				and 1872	1	
—	16	r	1878	23	4	35	1, 16	r	Sp. 1868	114	
—	17, 23	s	1869	93		36		r	1873	1	125
5	—	r	1868	46	39	37		s	1873	2	
6	45, 59	r	1878	88	7	38	18, 20				
7	1	s	1867	101	1		21, 23				
8	2	s	1871	96	1		40, 47	r	1877	56	17
—	3	s	1872	83	1		48				
—	13	r	1868	113	2	46	1	s	1876	37	
—	32	r	1868	113	2	48		r	1875	40	5
—	35	r	1868	110	6	49	9	r	1868	94	3
—	42	s	1867	116	1	50	8	s	1874	65	1
—	53	s	1866	44	1	51	13	s	1874	65	1
—	56	r	1868	110	6	59	11, 12	s	1877	23	4, 5
—	65	s	1868	109	1	64	25, 31	s	by numerous acts fixing terms of court.		
—	66	s	1867	116	2				1868	93	3
11	—	r	1874	1	168	65	117	r	1867	62	4
13	—	r	1873	5	74	66	66	r	1867	62	4
19	1, 14	r	1874	54	11	—	76	r	1868	76	3
20	—	r	1871	33	13	—	115, 117	r	1868	90	2
21	5	r	1874	76	2	—	227	r	1869	56	7
22	3	r	1868	26	1	69		s	1875	37	
26	7	r	1871	54	1	70	5	s	1876	52	3
34	18	r	1872	53	5	73	71	r			
—	24	r	1872	53	8	81	title 1, ex-				
—	32	r	1869	78	3	cept §§ 3, 4, 9, 11, 14, 15, 17.		r	1877	121	1
—	35	r	1869	78	3	94	11	r	1873	9	7
—	53	s	1867	20	1	95	51	s	1877	36	6
			and 1872	1							

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SECTIONS IN THIS EDITION, AMENDED, SUPERSEDED OR REPEALED BY LAWS 1879.

a—amended by; r—repealed by; s—superseded by.

GEN. ST.			LAWS 1879.		GEN. ST.			LAWS 1879.	
c.	§		c.	§	c.	§		c.	§
5	34	a	16	1	34	292	s	54	1
6	6	see	100	—	—	338	a	26	1
—	37	see	90	—	—	—	s	40	1
—	107, 114	s	76	—	—	—	a	50	1
—	title 6	see	89	—	—	—	see	92	1
7	10	a	32	—	35	21	a	11	1
8	8	s	10	1	—	28	s	31	—
—	37	s	10	2	—	42	etc. see	98	—
—	56 <i>note</i>	see	63	—	36	12	s	28	1
—	105	a	29	1	—	16	a	43	1
—	141	s	13	1	—	23	s	17	1
—	169, 170	s	38	1	—	27	a	14	1
—	175	s	3	1	—	31	s	17	2
—	257	a	91	—	—	86	s	41	1
—	title 8	see	88	—	—	149	s	27	1
9	11	s	53	1	—	152	a	27	2
10	13	a	47	1	39	3	see	65	3, 4
—	219	a	48	1	—	10	“	65	1, 2
—	221	s	6	1	53	—	a	69	1
11	125	a	25	1	57	38	s	18	1
13	16	s	51	1	—	42	s	20	1
—	47	s	51	2	64	58	s	60	1
—	97	a	4	1	—	61	a	57	2
—	see also		85	1	—	—	and	58	1
—			97	—	—	64	a	61	1
—			101	—	—	65	a	59	1
17	10	a	7	1	—	66	a	64	2
18	24	a	36	1	—	67	a	61	2, 3
—	—	a	37	1	—	69	a	57	1
19	30	a	12	1	—	—	and	64	1
20	4	a	23	1	65	84, 86	a	24	1
21	—	see	95	—	66	100	s	15	1
23	1, 8	s	66	1, 7	—	306	s	22	1
31	—	see	74	—	—	310	a	5	1
33, 47, 66	—	s	109	—	73	76, 77	s	52	1
34	title 1	see	77	—	81	1	s	21	1
—	“ 1	“	78	—	86	—	see	70	1
—	“ 1	“	79	—	94	—	see	75	—
—	“ 1	“	80	—	—	—	see	81	—
—	17	s	35	1	95	—	see	73	—
—	18	s	35	2	101	1	s	9	1
—	43, 46	s	45	1	—	13	s	46	1
—	47	a	35	3	—	—	see	87	—
—	87	a	49	1	103	2	a	44	1
—	95	see	34	1	123	title 1,	see	93	—
—	98	r	34	2	124	39	s	42	1
—	—	and	72	1	—	59	a	38	1
—	122	a	8	1	—	74, 77	s	39	—
—	166	s	30	1	—	107	a	68	1
—	231	a	2	1	—	—	see	104	—
—	279	see	86	1	—	—	“	106	—

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CONSTITUTION
OF
THE UNITED STATES.

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4. Manner of electing members of congress. Of the meeting of congress.
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11. Of the judicial power.
12. Manner of electing the president and vice-president.
13. Slavery abolished. Power of Congress.
14. Who are citizens. Apportionment of representatives. Disabilities of persons engaged in rebellion. Debt of United States incurred in suppressing, and of states in aid of rebellion.
15. Right to vote not to be abridged on account of race, etc.

Preamble. WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

SECTION 1. Of the legislative power. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SEC. 2. Of the house of representatives. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

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Qualifications of the members. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Apportionment of representatives and direct taxes. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative: and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. Of the senate. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

The senate shall choose their own officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. Manner of electing members. Of the meeting of congress. The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof, but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Powers of each house. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. Compensation; privileges of the members; exclusion from holding office. The senators and representatives shall receive a compensation for their services, to be ascertained by

law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. Revenue bills; manner of passing bills; approval, etc. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. General powers of congress. The congress shall have power,

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

7 Minn. 84, (140).

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: and

To make all laws which shall be necessary and proper for carrying into execution the fore-

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going powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. **Limitations of powers of congress.** The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

SEC. 10. **Limitations of the powers of the states.** No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

2 Minn. 72 (89); 4 Minn. 215 (298); 4 Minn. 375 (483); 6 Minn. 386 (550); 8 Minn. 344 (387);
12 Minn. 476; 23 Minn. 144;

ARTICLE II.

SEC. 1. **Of the executive power; election etc. of president.** The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.]

*The portion in brackets has been superseded by the 12th amendment.

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The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president; and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation which shall neither be increased or diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SEC. 2. Powers and duties of the president. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate shall appoint, ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. Further powers and duties of the president. He shall, from time to time, give to the congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them; and, in case of disagreement between them with respect to the time of adjournment. He may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. Of the judicial power. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. Extent of judicial power.—How exercised. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty, and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.*

12 Minn. 465.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial

*See the 11th amendment.

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shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SEC. 3. Of treason. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV.

SECTION 1. Of state records. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. 2. Rights of citizens—fugitives from labor and from justice. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

7 Minn. 1 (13); 8 Minn. 90 (116).

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. Of new states—territories. New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

21 Minn. 167.

SEC. 4. Republican form of government guaranteed to the several states. The United States shall guarantee to every state in this Union a republican form of government; and shall protect each of them against invasion, and, on application of the legislature, or of the executive, (when the legislature can not be convened,) against domestic violence.

ARTICLE V.

Amendments to the constitution. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

Of the public debt—supremacy of constitution, etc. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

Ratification. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

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ARTICLES

IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Rights of conscience; speech; press; petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

Of the right to bear arms. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Of quartering troops. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

Of the right of search; seizure; and general warrants. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

Of indictments, punishments, etc. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

Of trial in criminal cases, and the rights of a defendant. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

Of trials in civil cases. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

4 Minn. 70 (109); 19 Minn. 132.

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ARTICLE VIII.

Of bail and fines. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Of rights reserved. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Of powers reserved to the states. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

Limitation of the judicial power. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

Manner of electing the president and vice-president. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

SECTION 1. Slavery abolished. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Power of congress. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. Who are citizens, etc. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Apportionment of representatives, etc. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election

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for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. Disabilities of persons engaging in rebellion, etc. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. Debts of United States.—Debts of states in aid of rebellion. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. Powers of congress. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

SEC. 2. The congress shall have power to enforce this article by appropriate legislation.

NOTE.—The constitution was adopted September 17th, 1787, by the unanimous consent of the states present in the convention appointed in pursuance of the resolution of the congress of the confederation, of the 21st February, 1787, and was ratified by the conventions of the several states, as follows, viz: By convention of Delaware, December 7th, 1787; Pennsylvania, December 12th, 1787; New Jersey, December 18th, 1787; Georgia, January 2d, 1788; Connecticut, January 9th, 1788; Massachusetts, February 6th, 1788; Maryland, April 28th, 1788; South Carolina, May 23d, 1788; New Hampshire, June 21st, 1788; Virginia, June 26th, 1788; New York, July 26th, 1788; North Carolina, November 21st, 1789; Rhode Island, May 29th, 1790.

The first ten of the amendments were proposed at the first session of the first congress of the United States, September 25th, 1789, and were finally ratified by the constitutional number of states, December 15th, 1791. The eleventh amendment was proposed at the first session of the third congress, March 5th, 1794, and was declared in a message from the president of the United States to both houses of congress, dated January 8th, 1798, to have been adopted by the constitutional number of states. The twelfth amendment was proposed at the first session of the eighth congress, December 12th, 1803, and was adopted by the constitutional number of states in 1804, according to a public notice thereof by the secretary of state, dated September 25th, 1804.

The thirteenth amendment was proposed at the second session of the the thirty-eighth congress, February 1st, 1865, and was adopted by the constitutional number of states in 1865, according to a public notice thereof by the secretary of state, dated December 18th, 1865.

The fourteenth amendment took effect July 28th, 1868.

The fifteenth amendment took effect March 30th, 1870.

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ORGANIC ACT OF MINNESOTA.

SECTION.

1. Temporary government for territory of Minnesota established; power to divide said territory, or to attach a portion of it to a state or territory reserved.
2. The executive power vested in the governor; his tenure of office, powers, duties and emoluments.
3. Secretary, his powers and duties; in case of death, resignation, or removal of governor, the secretary to act as governor.
4. Legislative power, how vested; legislative assembly to consist of council and house of representatives; proviso, number of councillors and representatives limited; apportionment of representation; census to be taken; when; how elections shall be conducted; proviso; proviso as to terms of sessions of legislative assembly.
5. Qualifications of voters; proviso.
6. Extent of legislative powers.
7. How township, district and county officers shall be appointed.
8. No member of the legislative assembly to hold office created while he was a member, or for one year thereafter; officers of the government of the United States, except postmasters, not to be members of the assembly.
9. Judicial power, how vested; supreme court; district courts; jurisdiction of the supreme, district and probate courts, and justices of the peace; clerks of district courts; clerk of supreme court; fees of clerk.

SECTION.

10. Attorney and marshal, their fees and emoluments.
11. Governor, secretary, chief and associate justices, attorney and marshal, how to be appointed; each to take official oaths, &c.; salary of governor; salaries of chief and associate justices; salary of secretary; compensation of members of legislative assembly; provision for contingent expenses, &c.
12. Inhabitants to be entitled to all the rights and privileges secured to inhabitants of Wisconsin; laws of Wisconsin to continue in force.
13. Seat of government for said territory; appropriation for public buildings.
14. Delegate to congress of the United States to be elected.
15. All suits, process, and proceedings at law, &c., pending in the courts of Wisconsin, within the limits of said territory, transferred to district courts of said territory.
16. Justices of the peace, constables, &c., continued in office till others are appointed to succeed them.
17. Appropriation of \$5,000 library.
18. Reservation of lands for use of schools.
19. Until otherwise provided by law, the governor may define the judicial districts, and assign the judges to them, &c.
20. How laws shall be enacted by legislative assembly and approved by the governor.

An act to establish the territorial government of Minnesota.

[Passed March 3, 1849.]

SECTION 1. Temporary government for territory of Minnesota established. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That from and after the passage of this act, all that part of the territory of the United States which lies within the following limits, to wit: Beginning in the Mississippi river, at the point where the line of forty-three degrees and thirty minutes of north latitude crosses the same, thence running due west on said line, which is the northern boundary of the state of Iowa, to the northwest corner of the said state of Iowa, thence southerly along the western boundary of said state to the point where said boundary strikes the Missouri river, thence up the middle of the main channel of the Missouri river to the mouth of White-earth river, thence up the middle of the main channel of the White-earth river to the boundary line between the possessions of the United States and Great Britain: thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the state of Wisconsin in Lake Superior; thence along the western boundary line of said state of Wisconsin to the Mississippi river; thence down the main channel of said river to the place of beginning, be, and the same is hereby erected into a temporary government by the name of the territory of Minnesota; *provided,* that nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said territory into two or more territories, in such manner and at such times as congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States.

SEC. 2. The governor; his tenure of office, powers, duties, and emoluments. *And be it further enacted,* That the executive power and authority in and over said territory of Minnesota shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United

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States. The governor shall reside within said territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said territory, and reprieves for offences against the laws of the United States until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

SEC. 3. Secretary, his powers and duties. *And be it further enacted,* That there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and at the same time two copies of the laws to the speaker of the house of representatives, and the president of the senate, for the use of congress. And in case of the death, removal, resignation, or necessary absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

SEC. 4. Legislative power, in whom vested. *And be it further enacted,* That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of nine members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of councillors and representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of population; *provided,* that the whole number shall never exceed fifteen councillors and thirty-nine representatives. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in and be inhabitants of the district for which they may be elected respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties and districts shall be entitled under this act.

The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council; and the person or persons authorized to be elected, having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall also be declared by the governor to be duly elected members of the house of representatives: *provided,* That in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place on such day as the governor shall appoint; but thereafter the time, place and manner of holding and conducting all elections by the people, and the apportioning of the representation in the several counties or districts to the council and house of representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *provided,* that no one session shall exceed the term of sixty days.

SEC. 5. Qualification of voters. *And be it further enacted,* That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly: *provided,* that the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.

SEC. 6. Extent of the legislative power. *And be it further enacted,* That the legislative power of the territory shall extend to all rightful subjects of legislation, consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and

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governor shall be submitted to the congress of the United States, and, if disapproved, shall be null and of no effect.

SEC. 7. Township, district and county officers. *And be it further enacted,* That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the territory of Minnesota. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint, all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the legislative assembly.

SEC. 8. No member of assembly to hold office created while he was a member of the assembly. *And be it further enacted,* That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

SEC. 9. Judicial power; courts; jurisdiction. *And be it further enacted,* That the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually, and they shall hold their offices during the period of four years. The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of probate courts and of justices of the peace, shall be as limited by law: *provided,* that the justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of the late Wisconsin territory received for similar services.

1 Minn. 6 (24); 1 Minn. 76 (99).

SEC. 10. Attorney and marshal, their compensation. *And be it further enacted,* That there shall be appointed an attorney for said territory, who shall continue in office for four years, unless sooner removed by the president, and who shall receive the same fees and salary as the attorney of the United States for the late territory of Wisconsin received. There shall also be a marshal for the territory appointed, who shall hold his office for four years, unless sooner removed by the president, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the late territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 11. Governor, judges, etc., how appointed; salaries; per diem, etc., of members of assembly. *And be it further enacted,* That the governor, secretary, chief justice, and associate justices, attorney and marshal, shall be nominated, and, by and with the advice and consent of the senate, appointed by the president of the United States. The governor and secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation,

before the district judge, or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated, annually, the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 12. Inhabitants to be entitled to all the rights of inhabitants of Wisconsin. Laws of Wisconsin to continue in force. *And be it further enacted,* That the inhabitants of the said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Wisconsin and to its inhabitants; and the laws in force in the territory of Wisconsin at the date of the admission of the state of Wisconsin shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of the said territory of Minnesota; and the laws of the United States are hereby extended over and declared to be in force in said territory, so far as the same, or any provision thereof, may be applicable.

SEC. 13. Seat of government for said territory. *And be it further enacted,* That the legislative assembly of the territory of Minnesota shall hold its first session at St. Paul; and at said first session the governor and legislative assembly shall locate and establish a temporary seat of government for said territory, at such place as they may deem eligible; and shall, at such time as they shall see proper, prescribe by law the manner of locating the permanent seat of government of said territory by a vote of the people. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said territory of Minnesota, to be applied, by the governor and legislative assembly, to the erection of suitable public buildings at the seat of government.

SEC. 14. Delegate to congress of the United States. *And be it further enacted,* That a delegate to the house of representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives. The first election shall be held at such times and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly.

SEC. 15. Suits and proceedings at law, &c., pending in the courts of Wisconsin. *And be it further enacted,* That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts of the territory of Wisconsin, within the limits of said territory of Minnesota, when this act shall take effect, shall be transferred to be heard, tried, prosecuted and determined in the district courts hereby established which may include in the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws, within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits may be prosecuted, tried and punished in the courts established by this act: and all

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penalties, forfeitures, actions, and causes of action, may be recovered under this act, the same as they would have been under the laws in force within the limits composing said territory at the time this act shall go into operation.

SEC. 16. Justices of the peace, &c., continued in office till successors are appointed. *And be it further enacted,* That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said territory when this act shall take effect, shall be and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices as officers of the territory of Minnesota, temporarily, and until they or others shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

SEC. 17. Appropriation for library. *And be it further enacted,* That the sum of five thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said governor of the territory of Minnesota, in the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal and attorney of said territory, and such other persons and under such regulations as shall be prescribed by law.

SEC. 18. Reservation of lands for schools. *And be it further enacted,* That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved, for the purpose of being applied to schools in said territory, and in the state and territories hereafter to be erected out of the same.

SEC. 19. Governor to define the judicial districts, etc., temporarily. *And be it further enacted,* That temporarily, and until otherwise provided by law, the governor of said territory may define the judicial districts of said territory, and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 20. How laws shall be enacted by the assembly and approved by the governor. *And be it further enacted.* That every bill which shall or may pass the council and house of representatives, shall, before it becomes a law, be presented to the governor of the territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated; which shall cause the objections to be entered at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered, and if approved by two-thirds of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly, by adjournment, prevent it; in which case it shall not become a law.

ACT AUTHORIZING A STATE GOVERNMENT.

SECTION.

1. Inhabitants of part of Minnesota authorized to form a constitution and state government—boundaries designated.
2. Jurisdiction over bordering waters which are declared to be common highways.
3. Convention of delegates to be held—mode of election—meeting of convention.

SECTION.

4. Census—representative in Congress.
5. Propositions to be acted on by the convention—school lands—land for a university—land for public buildings—salt springs—percentage on land sales—the above propositions made conditional.

An act to authorize the people of Minnesota to form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original states.

[Passed February 26, 1857.]

SECTION 1. **Inhabitants of part of Minnesota authorized to form a constitution and state government.** *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That the inhabitants of that portion of the territory of Minnesota which is embraced within the following limits, to wit: beginning at the point in the centre of the main channel of the Red river of the north, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to lake Traverse; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the state of Iowa; thence along the northern boundary of said state to the main channel of the Mississippi river; thence up the main channel of said river, and following the boundary line of the state of Wisconsin, until the same intersects the Saint Louis river; thence down the said river to and through Lake Superior on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon river, and following said dividing line, to the place of beginning, be, and they hereby are authorized to form for themselves a constitution and state government, by the name of the state of Minnesota, and to come into the Union on an equal footing with the original states, according to the federal constitution.

SEC. 2. **Jurisdiction over bordering waters which are declared to be common highways.**

And be it further enacted, That the state of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state, and any state or states now or hereafter to be formed or bounded by the same; and said river or waters leading into the same shall be common highways, and for ever free, as well to the inhabitants of said state as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. **Convention of delegates to be held.**

And be it further enacted, That on the first Monday in June next, the legal voters in each representative district then existing within the limits of the proposed state are hereby authorized to elect two delegates for each representative to which said district may be entitled according to the apportionment for representatives to the territorial legislature, which election for delegates shall be held and conducted, and the returns made, in all respects in conformity with the laws of said territory regulating the election of representatives; and the delegates so elected shall assemble at the capitol of said territory on the second Monday in July next, and first determine, by a vote, whether it is the wish of the people of the proposed state to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a state government, in conformity with the federal constitution, subject to the approval and ratification of the people of the proposed state.

SEC. 4. **Census. Representatives in congress.**

And be it further enacted, That in the event said convention shall decide in favor of the immediate admission of the proposed state into the Union, it shall be the duty of the United States marshal for said territory to proceed to take a census or enumeration of the inhabitants within the limits of the proposed state,

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under such rules and regulations as shall be prescribed by the secretary of the interior, with the view of ascertaining the number of representatives to which said state may be entitled in the congress of the United States; and said state shall be entitled to one representative, and such additional representatives as the population of the state shall, according to the census, show it would be entitled to according to the present ratio of representation.

SEC. 5. Propositions to be acted on by the convention. *And be it further enacted,* That the following propositions be, and the same are hereby, offered to the said convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States and upon the said state of Minnesota, to-wit:

School lands. *First.* That sections numbered sixteen and thirty-six in every township of public lands in said state, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said state for the use of schools.

University lands. *Second.* That seventy-two sections of land shall be set apart and reserved for the use and support of a state university, to be selected by the governor of said state, subject to the approval of the commissioner at the general land office, and to be appropriated and applied in such manner as the legislature of said state may prescribe for the purpose aforesaid, but for no other purpose.

Land for public buildings. *Third.* That ten entire sections of land, to be selected by the governor of said state, in legal subdivisions, shall be granted to said state for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof.

Salt Springs. *Fourth.* That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said state for its use; the same to be selected by the governor thereof within one year after the admission of said state, and, when so selected, to be used or disposed of on such terms, conditions and regulations as the legislature shall direct: *provided,* that no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said state.

Percentage on land sales. Conditions. *Fifth.* That five per centum of the net proceeds of sales of all public lands lying within said state, which shall be sold by congress after the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to said state for the purpose of making public roads and internal improvements, as the legislature shall direct: *provided,* the foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said state shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said state shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

CONSTITUTION
OF THE
STATE OF MINNESOTA.

PREAMBLE.

WE, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings, and secure the same to ourselves and our posterity, do ordain and establish this constitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. Object of government. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it.

SEC. 2. Rights and privileges of citizens. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state, otherwise than in the punishment of crime whereof the party shall have been duly convicted.

13 Minn. 366; 18 Minn. 199.

SEC. 3. Liberty of the press. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

SEC. 4. Right of trial by jury. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

4 Minn. 70 (109); 15 Minn. 221; 16 Minn. 431; 19 Minn. 132; 21 Minn. 241; 22 Minn. 178.

SEC. 5. Excessive bail for crime—cruel punishments. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted.

SEC. 6. Criminal prosecutions—rights of accused. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

13 Minn. 341; 14 Minn. 439, 447; 15 Minn. 344.

SEC. 7. Criminal prosecution; rights of accused. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger, and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require.

6 Minn. 155 (235); 8 Minn. 225 (258); Baker v. Kelly, 11 Minn. (480); 13 Minn. 366; 16 Minn. 296, 431; 22 Minn. 488; 23 Minn. 1, 411.

SEC. 8. Redress of injuries and wrongs. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character;

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he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformably to the laws.

5 Minn. 70 (95); 6 Minn. 53 (110); 7 Minn. 1 (13); *Baker v. Kelley*, 11 Minn. (480).
SEC. 9. Treason against the state. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. Unreasonable searches and seizures. Search warrants. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SEC. 11. Ex post facto laws; laws impairing contracts prohibited. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

12 Minn. 476; 13 Minn. 370; 20 Minn. 136; 23 Minn. 144.
SEC. 12. Imprisonment for debt. Exemption of property from seizure for debt. No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale, for the payment of any debt or liability; the amount of such exemption shall be determined by law.

7 Minn. 374 (465); *Kelby v. Baker*, 10 Minn. (154) *Cogel v. Mickow*, 11 Minn. (475)
22 Minn. 144; 23 Minn. 1, 411, 435.

SEC. 13. Private property for public use. Private property shall not be taken for public use without just compensation therefor, first paid or secured.

Wimona & St. Peter R. Co. v. Waldron, 11 Minn. (515); 12 Minn. 38; 13 Minn. 315; 14 Minn. 365; 16 Minn. 375; 17 Minn. 439; 18 Minn. 155; 19 Minn. 108; 21 Minn. 322.

SEC. 14. Standing army prohibited. The military shall be subordinate to the civil power, and no standing army shall be kept up in this state in time of peace.

SEC. 15. Lands declared allodial—leases when void. All lands within this state are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

22 Minn. 463.
SEC. 16. Freedom of religious belief. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any religious or ecclesiastical ministry against his consent; nor shall any control of, or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the state; nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

21 Minn. 202.
SEC. 17. No religious test or property qualification. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the state. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE II.

NAME AND BOUNDARIES.

SEC. 1. Name and boundaries of the state. This state shall be called and known by the name of the State of Minnesota, and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to-wit: beginning at the point in the centre of the main channel of the Red River of the north, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to lake Traverse; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its centre to its outlet; thence by a due south line to the north line of the state of Iowa; thence east along the northern boundary of said state to the main channel of the Mississippi river; thence up the main channel of said river and following the boundary line of the state of Wisconsin, until the same intersects the St. Louis river; thence down the said river to and through lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British possessions; thence up Pigeon river and following said dividing line to the place of beginning.

SEC. 2. **Jurisdiction on rivers.** The state of Minnesota shall have concurrent jurisdiction on the Mississippi, and on all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state and any other state or states now or hereafter to be formed by the same; and said rivers and waters, and navigable waters leading into the same; shall be common highways, and forever free, as well to the inhabitants of said state as to other citizens of the United States, without any tax, duty, impost or toll therefor.

SEC. 3. **Acceptance of the propositions contained in enabling act.** The propositions contained in the act of congress entitled "An Act to authorize the people of the territory of Minnesota to form a constitution and state government preparatory to their admission into the Union on an equal footing with the original states," are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.
21 Minn. 167.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government shall be divided into three distinct departments, legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.
Application of the Senate, 10 Minn. (78); 19 Minn. 103; 20 Minn. 363; 22 Minn. 366.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1.* **Legislature, sessions.** The legislature of the state shall consist of the senate and house of representatives, who shall meet biennially at the seat of government of the state, at such time as shall be prescribed by law; but no session shall exceed the term of sixty days.

SEC. 2. **Number of members.** The number of members who compose the senate and house of representatives shall be prescribed by law, but the representation in the senate shall never exceed one member for every five thousand inhabitants, and in the house of representatives one member for every two thousand inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

SEC. 3. **Election of members.** Each house shall be the judge of the election, returns and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

SEC. 4. **Rules for the government of each house.** Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but no member shall be expelled a second time for the same offence.

SEC. 5. **Election of presiding officers.** The house of representatives shall elect its presiding officer, and the senate and house of representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings; and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

SEC. 6. **Adjournments.** Neither house shall, during a session of the legislature, adjourn for more than three days, (Sundays excepted,) nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

SEC. 7. **Compensation of members.** The compensation of senators and representatives shall be three dollars per diem, during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing house of representatives may have been elected.

SEC. 8. **Privileges of members.** The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

SEC. 9. **Restrictions as to members holding office.** No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States, or the state of Minnesota, except that of postmaster; and no senator or representative

*As amended November 6, 1860, and November 6, 1877.

Art. IV, § 1, 7. See 1831 Supp., p. 1. And art. IV, § 1, 7, 33, 34. See 1853 Supp., p. 2.

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shall hold an office under the state, which had been created, or the emoluments of which had been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

SEC. 10. Bills for revenue where to originate. All bills for raising a revenue shall originate in the house of representatives, but the senate may propose and concur with amendments, as on other bills.

SEC. 11. Concerning the passage of bills—approval or veto by governor. Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the state. If he approve, he shall sign and deposit it in the office of secretary of state for preservation, and notify the house, where it originated, of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated, when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of that house it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevent its return, in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law.

Veto of separate items of appropriation bill. [If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.]*

8 Minn. 326 (366); Moulton v. Doran, 10 Minn. (67)

SEC. 12. Appropriations of money—how made. No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses, (except such as relate to the business or adjournment of the same,) shall be presented to the governor for his signature, and before the same shall take effect, shall be approved by him, or being returned by him with his objections, shall be re-passed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

SEC. 13. Enacting clause of laws. The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

2 Minn. 281 (330).

SEC. 14. Impeachment. The house of representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 15. Exclusion of criminals from civil rights. The legislature shall have full power to exclude from the privilege of electing or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Protest of members. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

SEC. 17. Vacancies in legislature. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

SEC. 18. Punishment for breach of order, &c. Each house may punish by imprisonment, during its session, any person not a member who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

SEC. 19. Sessions to be open to public. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

*The paragraph in brackets was adopted November 7, 1876.

SEC. 20. Reading of bills. Every bill shall be read on three different days in each separate house, unless in case of urgency two-thirds of the house where such bill is depending, shall deem it expedient to dispense with this rule, and no bill shall be passed by either house until it shall have been previously read twice at length.

² Minn. 281 (330).

SEC. 21. Enrolling and signing of bills. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses, shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the state, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. Passage of bills on last day of session prohibited. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrolment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

SEC. 23. Census when to be provided for—apportionment. The legislature shall provide by law for an enumeration of the inhabitants of this state in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts, according to the provisions of section second of this article.

SEC. 24. *Senate districts. Term of office of senators and representatives. The Senators shall be chosen by single districts of convenient contiguous territory, at the same time that members of the house of representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The terms of office of senators and representatives shall be the same as now prescribed by law, until the general election in the year one thousand eight hundred and seventy-eight (1878), at which time 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 years, except it be to fill a vacancy, and the senators chosen at such election by districts designated as odd numbers, shall go out of office at the expiration of the second year, and senators chosen by districts designated by even numbers, shall go out of office at the expiration of the fourth year; and thereafter senators shall be chosen for four years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment provided for in this article.

SEC. 25. Qualification of members. Senators and representatives shall be qualified voters of the state, and shall have resided one year in the state, and six months immediately preceding the election in the district from which they are elected.

SEC. 26. U. S. Senators. Members of the senate of the United States from this state shall be elected by the two houses of the legislature in joint convention at such times and in such manner as may be provided by law.

SEC. 27. Laws to embrace only one subject. No law shall embrace more than one subject, which shall be expressed in its title.

² Minn. 281 (330); *Winona & St. Peter R. Co. v. Waldron*, 11 Minn. (515); 12 Minn. 41; 13 Minn. 341; 14 Minn. 524; 16 Minn. 45; 22 Minn. 312, 328.

SEC. 28. Divorces. Divorces shall not be granted by the legislature.

SEC. 29. Oath of office. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the state of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

SEC. 30. Manner of voting. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 31. Sale of lottery tickets. The legislature shall never authorize any lottery, or the sale of lottery tickets.

SEC. 32a.† Taxation of railroad companies. Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this state, or operating its road therein, or which may be hereafter organized, shall in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this state a certain per centage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall, before

*As amended November 6, 1877.

†Adopted November 8, 1871.

the same shall take effect and be in force, be submitted to a vote of the people of the state, and be adopted and ratified by a majority of the electors of the state voting at the election at which the same shall be submitted to them.

SEC. 32b.* **Internal improvement lands, how to be appraised and sold and proceeds invested.** All lands donated to the state of Minnesota for the purpose of internal improvement, under the eighth section of the act of congress approved September fourth, eighteen hundred and forty-one, being "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisal and sale of the school lands, under the provisions of title one (1,) of chapter thirty-eight (38,) of the general statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of the said lands shall be invested in the bonds of the United States, or of the state of Minnesota, issued since 1860, and the moneys so invested shall constitute the internal improvement land fund of the state. All moneys received by the county treasurer under the provisions of title one (1,) chapter thirty-eight (38) aforesaid, derived from the sale of the internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the 15th day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written, "Minnesota internal improvement land fund of the state, transferable only on the order of the governor."

The principal sum from all sales of internal improvement lands, shall not be reduced by any charges or costs of officers, by fees or by any other means whatever: and section fifty (50,) of title one (1,) of chapter thirty-eight (38) of the general statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read, as applicable to this amendment, "internal improvement lands."

Funds, how appropriated. The moneys belonging to the internal improvement land fund shall not be appropriated for any purpose whatever, until the enactment for that purpose shall have been approved by a majority of the electors of the state, voting at the annual general election following the passage of the act.

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. **Executive department.** The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general, who shall be chosen by the electors of the state.

SEC. 2.† **Canvassing of election returns.** The returns of every election for the officers named in the foregoing section, shall be made to the secretary of state, who shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district courts of the state, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three (3) days after such canvass.

SEC. 3. **Term of office of governor and lieutenant governor.** The term of office for the governor and lieutenant governor shall be two years and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the state for one year next preceding his election. Both shall be citizens of the United States.

SEC. 4. **Governor—his duties.** The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons, after conviction, for offences against the state, except in cases of impeachment. He shall have power, by and with the advice and consent of the senate, to appoint a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds, or other instruments in writing, to be used in the state. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney-general, and such other

*Adopted November 5, 1872.

†As amended November 6, 1877.

state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

SEC. 5. **Terms of office and salaries of state officers.** The official term of the secretary of state, treasurer and attorney-general shall be two years. The official term of the auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The governor's salary for the first term under this constitution shall be two thousand five hundred dollars per annum. The salary of the secretary of state for the first term shall be fifteen hundred dollars per annum. The auditor, treasurer and attorney general shall, each, for the first term receive a salary of one thousand dollars per annum. And the further duties and salaries of said executive officers shall each thereafter be prescribed by law.

SEC. 6. **Lieutenant-governor—his duties.** The lieutenant-governor shall be *ex-officio* president of the senate; and in case a vacancy should occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant-governor shall be double the compensation of a state senator. Before the close of each session of the senate, they shall elect a president *pro tempore*, who shall be lieutenant-governor in case a vacancy should occur in that office.

SEC. 7 * **Commencement of terms of office in 1858.** The term of each of the executive officers named in this article, shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861, and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the state constitution, who have not already taken the oath of office, and commenced the performance of their official duties.

SEC. 8. **Oath of office.** Each officer created by this article, shall, before entering upon his duties, take an oath or affirmation to support the constitution of the United States, and of this state, and faithfully discharge the duties of his office to the best of his judgment and ability.

SEC. 9. **Duties of legislature.** Laws shall be passed at the first session of the legislature after the state is admitted into the Union to carry out the provisions of this article.

ARTICLE VI.

JUDICIARY.

SECTION 1. **Judicial power.** The judicial power of the state shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

5 Minn 58 (78); 15 Minn. 102

SEC. 2. **Supreme court.** The supreme court shall consist of one chief justice, and two associate justices, but the number of associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity; but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen by the qualified electors of the state, one clerk of the supreme court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

2 Minn. 294 (342); 4 Minn. 275 (366); *Tierney v. Dodge*, 9 Minn. (166);
Crowell v. Lambert, 10 Minn. (369).

SEC. 3. **Judges of supreme court, how elected.** The judges of the supreme court shall be elected by the electors of the state at large, and their term of office shall be seven years, and until their successors are elected and qualified.

When district judge assigned to sit in supreme court. [Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor shall assign judges of the district court of the state, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.]†

SEC. 4.† **Judicial district—term of office of judges.** The state shall be divided by the legislature into judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each

*As amended April 15, 1858.

†Paragraph in brackets added November 7, 1876.

‡As amended November 5, 1875.

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judicial district one (1) or more judges, as the legislature may prescribe, shall be elected by the electors thereof, whose term of office shall be seven (7) years; and each of said judges shall severally have and exercise the powers of the court under such limitations as may be prescribed by law. Every district judge shall at the time of his election be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abolished, the judge of such court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established, for a period not exceeding the unexpired term for which he was elected.

SEC. 5. District courts. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of the judge of any other district not his own, when convenience or the public interest may require it.

4 Minn. 1 (13); 6 Minn. 53 (110); 6 Minn. 92 (150); 7 Minn. 316 (398); (369); 12 Minn. 212. *Tierney v. Dodge*, 9 Minn. 153 (166); *Crowell v. Lambert*, 10 Minn. (369); 12 Minn. 212.

SEC. 6. Qualifications of the judges of the supreme and district courts. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times, as may be prescribed by the legislature, which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

SEC. 7. Probate court. There shall be established in each organized county in the state a probate court, which shall be a court of record, and be held at such times and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office, and his compensation shall be provided by law. He may appoint his own clerk, where none has been elected, but the legislature may authorize the election by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons, and persons under guardianship, but no other jurisdiction, except as prescribed by this constitution.

Crowell v. Lambert, 9 Minn. 267 (283); 22 Minn. 336, 393; 23 Minn. 51, 84.

SEC. 8. Justices of the peace. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law: *provided*, that no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine of over one hundred dollars, nor in any cause involving the title to real estate.

8 Minn. 344 (387); 16 Minn. 474; 18 Minn. 66, 216.

SEC. 9. Judges, other than those provided for by the constitution. All judges other than those provided for in this constitution, shall be elected by the electors of the judicial district, county or city, for which they shall be created, not for a longer term than seven years.

SEC. 10. Vacancy in office. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Crowell v. Lambert, 9 Minn. 267 (283); 22 Minn. 336, 482.

SEC. 11. Prohibition to justices of the supreme and district courts. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this state. And all votes for either of them for any elective office under this constitution, except a judicial office, given by the legislature or the people, during their continuance in office, shall be void.

SEC. 12. Change of judicial districts. The legislature may at any time change the number of judicial districts or their boundaries, when it shall be deemed expedient, but no such change shall vacate the office of any judge.

SEC. 13. Clerk of district courts. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

SEC. 14. Legal pleadings and proceedings. Legal pleadings and proceedings in the courts of this state shall be under the direction of the legislature. The style of all process shall be "The state of Minnesota," and all indictments shall conclude "against the peace and dignity of the state of Minnesota."

Hinkley v. St. Anthony Falls W. P. Co., 9 Minn. 44 (55); 12 Minn. 80, 255; 19 Minn. 17.

SEC. 15. Court commissioners. The legislature may provide for the election of one person in each organized county in this state, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon judges of probate in the state.

3 Minn. 249 (352); 3 Minn. 252 (359); *State v. Hill*, 10 Minn. (63);

ARTICLE VII.

ELECTIVE FRANCHISE.

SECTION 1.* What persons are entitled to vote. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the United States one year, and in this state for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are, or hereafter may be, elective by the people.

First. Citizens of the United States.

Second. Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

Third. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Fourth. Persons of Indian blood residing in this state, who have adopted the language, customs and habits of civilization, after an examination before any district court of the state, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

3 Minn. 164 (240)

SEC. 2. Persons not entitled to vote. No person not belonging to one of the classes specified in the preceding section, nor person who has been convicted of treason or any felony, unless restored to civil rights, and no person under guardianship or who may be *non compos mentis*, or insane, shall be entitled or permitted to vote at any election in this state.

SEC. 3. Residence shall not be lost in certain cases. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

SEC. 4. Persons in army and navy not to acquire residence. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this state, in consequence of being stationed within the same.

SEC. 5. On election day freedom from arrest on civil process. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

SEC. 6. Elections to be by ballot. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

SEC. 7. Eligibility to office. Every person who, by the provisions of this article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this constitution, or the constitution and laws of the United States.

3 Minn. 164 (240); 23 Minn. 17.

SEC. 8.† Women may vote for school officers. The legislature may, notwithstanding anything in this article, provide by law, that any woman at the age of twenty-one (21) years and upward, may vote at any election held for the purpose of choosing any officers of schools, or upon any measure relating to schools, and may also provide that any such woman shall be eligible to hold any office pertaining solely to the management of schools.

ARTICLE VIII.

SCHOOL FUNDS, EDUCATION AND SCIENCE.

SECTION 1. Uniform system of public schools. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

17 Minn. 412.

SEC. 2. Proceeds of sales of school lands. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township in this state, shall remain a perpetual school fund to the state, and not more than one-third (1-3) of said lands may be sold in two (2) years, one-third (1-3) in five (5) years, and one-third (1-3) in ten (10) years; but the lands of the greatest valuation shall be sold first: *provided*, that no por-

*As amended November 3, 1868.

†Adopted November 3, 1875.

Art. VII, § 8, and art. VIII, § 2. See 1883 Sup't, p. 4.

tion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales, or other disposition of lands, or other property, granted or entrusted to this state in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the state, in proportion to the number of scholars in each township between the ages of five and twenty-one years, and shall be faithfully applied to the specific objects of the original grants or appropriations.

Investment of proceeds of sales of school lands. [Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof, in interest-bearing bonds of the United States, or of the state of Minnesota, issued after the year one thousand eight hundred and sixty (1860), or of such other state as the legislature may by law from time to time direct.]*

SEC. 3. Public schools in each township in the state. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the state.

17 Minn., 412.

No public money to be used for sectarian schools. [But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creed or tenets of any particular christian or other religious sect are promulgated or taught.†]

SEC. 4. Location of the state university confirmed. The location of the university of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the university of the state of Minnesota. All the rights, immunities, franchises, and endowments heretofore granted or conferred, are hereby perpetuated unto the said university, and all lands which may be granted hereafter by congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

ARTICLE IX.

FINANCES OF THE STATE, AND BANKS AND BANKING.

SEC. 1. Taxes to be equal. All taxes to be raised in this state shall be as nearly equal as may be; and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the state: [provided, that the legislature may, by general law or special act, authorize municipal corporations to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation, and in such manner as the legislature may prescribe.‡]

8 Minn. 326 (366); 9 Minn. 258 (273); 13 Minn. 219; 14 Minn. 252; 19 Minn. 108;
20 Minn. 74, 396, 468; 22 Minn. 312, 323, 366, 494; 23 Minn. 232, 280, 469.

SEC. 2. Annual tax for ordinary expenses. The legislature shall provide for an annual tax sufficient to defray the estimated [ordinary] expenses of the state for each year; and whenever it shall happen that such ordinary expenses of the state for any year shall exceed the income of the state for such year, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

Minnesota state railroad bonds. [But no law levying a tax, or making other provisions for the payment of interest or principal of the bonds denominated "Minnesota state railroad bonds," shall take effect or be in force until such law shall have been submitted to a vote of the people of the state, and adopted by a majority of the electors of the state voting upon the same.‡]

SEC. 3. Property subject to taxation. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, and also all real and personal property, according to its true value in money: but public burying-grounds, public school-houses, public hospitals, academies, colleges, universities and all seminaries of learning, all churches, church property used for religious purposes, and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, shall, by general laws, be exempt from taxation.

12 Minn. 295; 14 Minn. 252; 21 Minn. 315; 23 Minn. 280, 469.

SEC. 4. Property of banks subject to taxation. Laws shall be passed for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of

*Paragraph in brackets adopted November 5, 1875.

†Paragraph in brackets adopted November 6, 1877.

‡The clause in brackets was adopted November 2, 1869.

§The word and clause in brackets were adopted November 6, 1860.

Art. VIII, § 2, and art. IX, § 1. See 1881 Supp., p. 2.

every description, of all banks, and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

County Treasurer v. Webb, 11 Minn. (500); 23 Minn. 280.

SEC. 5.* Public debt may be contracted. For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed two hundred and fifty thousand dollars; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by the yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished until the principal and interest of such debt shall have been wholly paid. The state shall never contract any debts for works of internal improvement, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the state, especially dedicated by the grant to specific purposes; and in such cases the state shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

SEC. 6. Public debt how contracted. All debts authorized by the preceding section shall be contracted by loan on state bonds of amounts not less than five hundred dollars each, on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the state under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SEC. 7. The state shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

SEC. 8. Appropriation of money received from loan or state bonds. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

SEC. 9. Payment of money out of the treasury. No money shall ever be paid out of the treasury of this state, except in pursuance of an appropriation by law.

SEC. 10. Loan of state credit—expunging amendment. The credit of the state shall never be given or loaned in aid of any individual association or corporation: [Nor shall there be any further issue of bonds denominated "Minnesota State Railroad Bonds," under what purports to be an amendment to section ten (10) of article nine (9) of the constitution, adopted April fifteenth, eighteen hundred and fifty-eight, which is hereby expunged from the constitution, saving, excepting and reserving to the state, nevertheless, all rights, remedies and forfeitures accruing under said amendment.] †

SEC. 11. Receipts and expenditures of the state. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week of January in each year, and in the next volume of the acts of the legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purposes and to whom paid, and by what law authorized, and also of all moneys received, and by what authority, and from whom.

SEC. 12.† Safe-keeping and disbursement of state and school funds. Suitable laws shall be passed by the legislature for the safe-keeping, transfer and disbursement of the state and school funds; and all officers and other persons charged with the same or any part of the same, or the safe-keeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them, to make forthwith and keep an accurate entry of each sum received and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan with or without interest, or shall deposit in his own name or otherwise than in the name of the state of Minnesota, or shall deposit in banks or with any person or persons, or exchange for [other] funds or property, any portion of the funds of the state or of the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid state and school funds, or either of the same, as shall be thus taken, or loaned, or deposited, or exchanged, and shall be a felony; and any failure to pay over, or produce, or account for, the state or school funds, or any part of the same, entrusted to such officer or person, as by law required, on demand, shall be held and taken to be *prima facie* evidence of such embezzlement.

SEC. 13. Provisions and restrictions for a banking law. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz:

* Amended April 15, 1858. See post, page 33.

† The clause in brackets was adopted November 6, 1860.

‡ As amended November 4, 1873.

First—The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Second—The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or state stocks for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third—The stockholders in any corporation and joint association for banking purposes issuing bank notes shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth—In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Fifth—Any general banking law which may be passed in accordance with this article, shall provide for recording the names of all stockholders in such corporations, the amount of stock held by each, the time of transfer, and to whom transferred,

Sec. 14a.* State debt for public buildings. For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, and state prison, the legislature may by law increase the public debt of the state, to an amount not exceeding two hundred and fifty thousand dollars, in addition to the public debt already heretofore authorized by the constitution; and for that purpose may provide by law for issuing and negotiating the bonds of the state, and appropriate the money only for the purpose aforesaid; which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the state.

Sec. 14b.† Municipal debts in aid of railroads. The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness.

23 Minn. 422.

ARTICLE X.

OF CORPORATIONS HAVING NO BANKING PRIVILEGES.

SECTION 1. Of corporations and their powers. The term "corporations," as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges; and all corporations shall have the right to sue, and shall be liable to be sued, in all courts in like manner as natural persons.

McRoberts v. Washburne, 10 Minn. (23).

Sec. 2. No corporations shall be formed under special acts, except for municipal purposes.

9 Minn. 153 (166); *McRoberts v. Washburne*, 10 Minn. (23); 14 Minn. 297; 17 Minn. 412; 21 Minn. 241; 22 Minn. 372.

Sec. 3. Liabilities of stockholders. Each stockholder in any corporation, [excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business,] shall be liable to the amount of stock held or owned by him. ‡

16 Minn. 368.

Sec. 4. Lands taken for public way. Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions or manufactures on equal and reasonable terms.

18 Minn. 155; 21 Minn. 322; 22 Minn. 372.

ARTICLE XI.

COUNTIES AND TOWNSHIPS.

SECTION 1. Counties, county lines and county seats. The legislature may, from time to time, establish and organize new counties, but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws

*Section 14a was adopted November 5, 1872.

†Section 14b was adopted November, 5, 1872.

‡The clause in brackets adopted November 5, 1872.

changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

Taylor v. Taylor, 10 Minn. (167); 16 Minn. 249; 22 Minn. 53; 23 Minn. 40.

SEC. 2. Organization of cities into counties. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. Organization of townships. Laws may be passed providing for the organization, for municipal and other town purposes, of any congressional or fractional townships in the several counties in the state; *provided*, that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships, for the purposes aforesaid.

SEC. 4. Election of county and township officers. Provision shall be made by law for the election of such county or township officers as may be necessary.

15 Minn. 193.

SEC. 5. Local taxation. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

18 Minn. 482; 20 Minn. 74; 22 Minn. 366.

SEC. 6. Money in county or township treasuries. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 7.* County of Manomin. That the county of Manomin is hereby abolished and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

ARTICLE XII.

OF THE MILITIA.

SECTION 1. Militia organization. It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the state as may be deemed necessary.

ARTICLE XIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. Impeachment and removal from office. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors, but judgment in such cases shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, in this state. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 2. Removal from office. The legislature of this state may provide for the removal of inferior officers from office, for malfeasance or nonfeasance in the performance of their duties.

15 Minn. 193.

SEC. 3. Disability pending impeachment. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. Trial of the governor. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. Service of copy of articles. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Amendments to the constitution. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law, that a majority of voters present and voting shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes, as a part of this constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

22 Minn. 400.

• Adopted November 2, 1869.

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SEC. 2. Constitutional convention. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution, they shall recommend to the electors to vote, at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XV.

MISCELLANEOUS SUBJECTS.

SECTION 1. Seat of government. The seat of government of the state shall be at the city of St. Paul; but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by congress for a seat of government to the state; and in the event of the seat of government being removed from the city of St. Paul to any other place in the state, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts, to be organized by the legislature of the state, and of which instruction the Minnesota historical society shall always be a department.

SEC. 2. Residence on Indian lands. Persons residing on Indian lands within the state shall enjoy all the rights and privileges of citizens as though they lived in any other portion of the state, and shall be subject to taxation.

SEC. 3. Uniform oath. The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

SEC. 4. Seal of the state. There shall be a seal of the state, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the state of Minnesota, and shall be attached to all official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

SEC. 5. State prison. The territorial prison, as located under existing laws, shall, after the adoption of this constitution, be and remain one of the state prisons of the state of Minnesota.

SCHEDULE.

SECTION 1. Rights under territorial laws saved. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the territory of Minnesota previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the state.

SEC. 2. Territorial laws continued. All laws now in force in the territory of Minnesota not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. Fines, penalties and forfeitures. All fines, penalties or forfeitures accruing to the territory of Minnesota, shall inure to the state.

SEC. 4. State to succeed to all rights of territory. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts of whatsoever description, of the territory of Minnesota, shall inure to and vest in the state of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the state of Minnesota as the same could have been by the territory of Minnesota. All criminal prosecutions and penal actions which may have arisen or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offences committed against the laws of the territory of Minnesota before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Minnesota, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Minnesota at the time of a change from a

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territorial to a state government, may be continued and transferred to any court of the state which shall have jurisdiction of the subject-matter thereof.

SEC. 5. Territorial officers continued. All territorial officers, civil and military, now holding their offices under the authority of the United States or of the territory of Minnesota, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

SEC. 6. First session of legislature. The first session of the legislature of the state of Minnesota shall commence on the first Wednesday of December next, and shall be held at the capitol in the city of St. Paul.

SEC. 7. Election laws continued. The laws regulating the election and qualification of all district, county and precinct officers, shall continue and be in force until the legislature shall otherwise provide by law.

SEC. 8. Constitution submitted to a vote of the people. The president of this convention shall, immediately after the adjournment thereof, cause this constitution to be deposited in the office of the governor of the territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the state, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against said constitution, to the president of the United States, to be by him laid before the congress of the United States.

SEC. 9. Representative districts. For the purposes of the first election, the state shall constitute one district, and shall elect three members to the house of representatives of the United States.

SEC. 10. Apportionment of counties into districts. For the purposes of the first election for members of the state senate and house of representatives, the state shall be divided into senatorial and representative districts as follows, viz.: first district, Washington county; second district, Ramsey county; third district, Dakota county; fourth district, so much of Hennepin county as lies west of the Mississippi; fifth district, Rice county; sixth district, Goodhue county; seventh district, Scott county; eighth district, Olmsted county; ninth district, Fillmore county; tenth district, Houston county; eleventh district, Winona county; twelfth district, Wabasha county; thirteenth district, Mower and Dodge counties; fourteenth district, Freeborn and Faribault counties; fifteenth district, Steele and Waseca counties; sixteenth district, Blue Earth and Le Sueur counties; seventeenth district, Nicollet and Brown counties; eighteenth district, Sibley, Renville and McLeod counties; nineteenth district, Carver and Wright counties; twentieth district, Benson, Stearns and Meeker counties; twenty-first district, Morrison, Crow Wing and Mille Lacs counties; twenty-second district, Cass, Pembina and Todd counties; twenty-third district, so much of Hennepin county as lies east of the Mississippi; twenty-fourth district, Sherburne, Anoka and Manomin counties; twenty-fifth district, Chisago, Pine and Isanti counties; twenty-sixth district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina, and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the state line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. Apportionment of members of the legislature. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to wit:

1st district,	2 senators,	3 representatives.
2d district,	3 senators,	6 representatives.
3d district,	2 senators,	5 representatives.
4th district,	2 senators,	4 representatives.
5th district,	2 senators,	3 representatives.
6th district,	1 senator,	4 representatives.
7th district,	1 senator,	3 representatives.
8th district,	2 senators,	4 representatives.
9th district,	2 senators,	6 representatives.
10th district,	2 senators,	3 representatives.
11th district,	2 senators,	4 representatives.
12th district,	1 senator,	3 representatives.
13th district,	2 senators,	3 representatives.
14th district,	1 senator,	3 representatives.
15th district,	1 senator,	4 representatives.
16th district,	1 senator,	3 representatives.
17th district,	1 senator,	3 representatives.
18th district,	1 senator,	3 representatives.
19th district,	1 senator,	3 representatives.
20th district,	1 senator,	3 representatives.
21st district,	1 senator,	1 representative.

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22d district,	1 senator,	1 representative.
23d district,	1 senator,	2 representatives.
24th district,	1 senator,	1 representative.
25th district,	1 senator,	1 representative.
26th district,	1 senator,	1 representative.
	37	80

SEC. 13. The returns from the 22d district shall be made to and canvassed by the judges of election at the precinct of Otter Tail City.

SEC. 14. **Judicial districts.** Until the legislature shall otherwise provide, the state shall be divided into judicial districts as follows, viz:

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis, and Lake, shall constitute the first judicial district.

The county of Ramsey shall constitute the second judicial district.

The counties of Houston, Winona, Fillmore, Olmsted, and Wabasha, shall constitute the third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd, and Cass, shall constitute the fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower, and Freeborn, shall constitute the fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and all other counties in the state not included within the other districts, shall constitute the sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts, may, at the first election, elect one prosecuting attorney for the district.

3 Minn. 28 (162).

SEC. 16. **First election.** Upon the second Tuesday, the 13th day of October, 1857, an election shall be held for members of the house of representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature, and all other officers designated in this constitution, and also for the submission of this constitution to the people for their adoption or rejection.

SEC. 17. **Voters at the first election.** Upon the day so designated as aforesaid, every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the state for ten days previous to the day of said election, may vote for all officers to be elected under this constitution at such election, and also for or against the adoption of this constitution.

SEC. 18. **Vote on the constitution.** In voting for or against the adoption of this constitution, the words "for constitution," or "against constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this constitution on a separate ballot from that cast by him for officers to be elected at said election under this constitution; and if, upon the canvass of the votes so polled, it shall appear that there was a greater number of votes polled for than against said constitution, then this constitution shall be deemed to be adopted as the constitution of the state of Minnesota; and all the provisions and obligations of this constitution, and of the schedule thereunto attached, shall thereafter be valid to all intents and purposes as the constitution of said state.

SEC. 19. **Election how conducted.** At said election the polls shall be opened, the election held, returns made, and certificates issued, in all respects as provided by law for opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points in any of the counties where precincts may be established, as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

SEC. 20. **Poll-books to be sent to secretary.** It shall be the duty of the judges and clerks of election, in addition to the returns required by law for each precinct, to forward to the secretary of the territory by mail immediately after the close of the election, a certified copy of the poll-book, containing the name of each person who has voted in the precinct, and the number of votes polled for and against the adoption of this constitution.

SEC. 21. **Returns of election how made.** The returns of said election for and against this constitution, and for all state officers and members of the house of representatives of the United States, shall be made and certificates issued in the manner now prescribed by law for returning votes given for delegate to congress, and the returns for all district officers, judicial, legislative, or otherwise, shall be made to the register of deeds of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegate to congress.

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SEC. 22. Provision in case of rejection of constitution. If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any state or district officer provided for in this constitution, and no state organization shall have validity within the limits of the territory until otherwise provided for, and until a constitution for a state government shall have been adopted by the people.

AMENDMENT TO SECTION TEN, ARTICLE NINE OF THE CONSTITUTION.

[Adopted April 15, 1858.]

SEC. 10. Loan of state credit for railroad purposes. The credit of this state shall never be given or loaned in aid of any individual, association or corporation, except that for the purpose of expediting the construction of the lines of railroads, in aid of which the congress of the United States has granted lands to the territory of Minnesota, the governor shall cause to be issued and delivered to each of the companies in which said grants are vested by the legislative assembly of Minnesota, the special bonds of the state, bearing an interest of seven per cent. per annum, payable semi-annually in the city of New York, as a loan of public credit, to an amount not exceeding twelve hundred and fifty thousand dollars, or an aggregate amount to all of said companies not exceeding five millions of dollars, in manner following, to wit:

Manner of issuing bonds—Pledge of credit of state—Conditions of loan. Whenever either of the said companies shall produce to the governor satisfactory evidence, verified by the affidavits of the chief engineer, treasurer and two directors of said company, that any ten miles of the road of said company has been actually constructed and completed, ready for placing the superstructure thereon, the governor shall cause to be issued and delivered to such company, bonds to the amount of one hundred thousand dollars; and whenever thereafter and as often as either of said companies shall produce to the governor, like evidence of a further construction of ten miles of its road, as aforesaid, then the governor shall cause to be issued to such company further like bonds to the amount of one hundred thousand dollars for each and every ten miles of road thus constructed; and whenever such company shall furnish like evidence that any ten miles of its road is actually completed and cars running thereon, the governor shall cause to be issued to such company like bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said companies shall produce to the governor like evidence that any further ten miles of said road is in operation as aforesaid, the governor shall cause to be issued to such company further like bonds to the amount of one hundred thousand dollars until the full amount of the bonds hereby authorized shall be issued; *provided*, that two-fifths, and no more, of all bonds issued to the Southern Minnesota railroad company shall be expended in the construction and equipment of the line of road from La Crescent to the point of junction with the Transit road, as provided by law: *and further provided*, that the Minneapolis and Cedar Valley railroad company shall commence the construction of their road at Faribault and Minneapolis, and shall grade an equal number of miles from each of said places.

The said bonds thus issued shall be denominated "Minnesota State Railroad Bonds," and the faith and credit of this State are hereby pledged for the payment of the interest and the redemption of the principal thereof. They shall be signed by the governor, countersigned and registered by the treasurer, sealed with the seal of the state, of denominations not exceeding one thousand dollars, payable to the order of the company to whom issued, transferable by the endorsement of the president of the said company, and redeemable at any time after ten and before the expiration of twenty-five years from the date thereof. Within thirty days after the governor shall proclaim that the people have voted for a loan of state credit to railroads, any of said companies proposing to avail themselves of the loan herein provided for, and to accept the conditions of the same, shall notify the governor thereof, and shall, within sixty days, commence the construction of their roads, and shall, within two years thereafter, construct, ready for the superstructure, at least fifty (50) miles of their road. Each company shall make provision for the punctual payment and redemption of all bonds issued and delivered as aforesaid to said company, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasury of this state from any advances of money for that purpose; and as security therefor the governor shall demand and receive from each of said companies, before any of said bonds are issued, an instrument pledging the net profits of its road for the payment of said interest, and a conveyance to the state of the first two hundred and forty sections of land free from prior incumbrances, which such company is or may be authorized to sell, in trust, for the better security of the treasury of the state from loss on said bonds; which said deed of trust shall authorize the governor and secretary of state to make conveyances of title to all or any of such lands to

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purchasers agreeing with the respective railroad companies therefor; *provided*, that before releasing the interest of the state to such lands, such sale shall be approved by the governor, but the proceeds of all such sales shall be applied to the payment of interest accruing upon the bonds in case of default of the payment of the same, and as a sinking fund to meet any future default in the payment of interest and the principal thereof when due; and as further security, an amount of first mortgage bonds on the roads, lands and franchises of the respective companies, corresponding to the state bonds, issued, shall be transferred to the treasurer of the state at the time of the issue of state bonds; and in case either of said companies shall make default in payment of either the interest or principal of the bonds issued to said companies by the governor, no more state bonds shall thereafter be issued to said company, and the governor shall proceed, in such manner as may be prescribed by law, to sell the bonds of the defaulting company or companies, or the lands held in trust as above, or may require a foreclosure of the mortgage executed to secure the same: *provided*, that if any company so in default, before the day of sale, shall pay all interest and principal then due, and all expenses incurred by the state, no sale shall take place, and the right of said company shall not be impaired to a further loan of state credit: *provided*, if any of said companies shall at any time offer to pay the principal, together with the interest that may then be due, upon any of the Minnesota state railroad bonds which may have been issued under the provisions of this section, then the treasurer of state shall receive the same; and the liabilities of said company or companies in respect to said bonds shall cease upon such payment into the state treasury, of principal, together with the interest as aforesaid: *provided further*, that in consideration of the loan of state credit herein provided, that the company or companies which may accept the bonds of the state in the manner herein specified, shall, as a condition thereof, each complete not less than fifty miles of its road on or before the expiration of the year 1861, and not less than one hundred miles before the year 1864, and complete four-fifths of the entire length of its road before the year 1866; and any failure on the part of any such company to complete the number of miles of its road or roads, in the manner and within the several times herein prescribed, shall forfeit to the state all the right, title and interest of any kind whatsoever in and to any lands, together with the franchises connected with the same not pertaining or applicable to the portion of the road by them constructed, and a fee simple to which has not accrued to either of said companies by reason of such construction, which was granted to the company or companies thus failing to comply with the provisions hereof, by act of the legislature of the territory of Minnesota, vesting said land in said companies respectively: [Ex-

2 Minn. 1 (13). 4 Minn. 228 (309).

ACT OF ADMISSION INTO THE UNION.

SECTION.

1. Minnesota admitted as a state.
2. Entitled to two representatives.
3. Laws of the United States extended over it—

SECTION.

made a judicial district—pay of judges and other officers—provision for appeals now pending.

An act for the admission of Minnesota into the Union.

[Passed May 11, 1858.]

Preamble. WHEREAS an act of congress was passed February twenty-six, eighteen hundred and fifty-seven, entitled "An act to authorize the people of the territory of Minnesota to form a constitution and state government preparatory to their admission into the Union on an equal footing with the original states;" and whereas the people of said territory did, on the twenty-ninth day of August, eighteen hundred and fifty-seven, by delegates elected for that purpose, form for themselves a constitution and state government, which is republican in form, and was ratified and adopted by the people at an election held on the thirteenth day of October, eighteen hundred and fifty-seven, for that purpose; therefore

Minnesota admitted. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That the state of Minnesota shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever.

SEC. 2. Shall have two representatives. *And be it further enacted,* That said state shall be entitled to two representatives in congress until the next apportionment of representatives amongst the several states.

SEC. 3. Laws of the United States extended over it—made a judicial district, etc. *And be it further enacted,* That from and after the admission of the state of Minnesota, as hereinbefore provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within that state as in other states of the Union; and the said state is hereby constituted a judicial district of the United States, within which a district court, with the like powers and jurisdiction as the district court of the United States for the district of Iowa, shall be established: the judge, attorney and marshal of the United States for the said district of Minnesota shall reside within the same, and shall be entitled to the same compensation as the judge, attorney and marshal of the district of Iowa; and in all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States, upon any record from the supreme court of Minnesota territory, the mandate of execution or order of further proceedings shall be directed by the supreme court of the United States to the district court of the United States for the district of Minnesota, or to the supreme court of the state of Minnesota, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Minnesota territory, as to all such cases, with full power to hear and determine the same, and to award mesne or final process therein.