

MINNESOTA STATUTES 1941

MINNESOTA STATUTES

1941

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THE

STATE OF MINNESOTA

PREFACE

1. Ante Territorial. The Revised Statutes of the Territory of Minnesota, 1851, and the constitution adopted in 1857 were not mere clippings from other state constitutions and laws; nor were they entirely new. Minnesota consists of parts of three federal acquisitions of property: The Northwest Territory, acquired by treaty in 1783; the Louisiana Purchase, 1803; and the Red River Valley, acquired by Convention of 1818.

The political history of the Territory had its effect on our present laws.

Minnesota's magna charta is the Federal Ordinance of 1787. Minnesota east of the Mississippi river came within the jurisdiction of that ordinance. In 1800 it became a part of the Territory of Indiana; in 1809, of the Territory of Illinois. From 1818 to 1836 it was attached to Michigan Territory. From 1836 until organized as a territory it was a part of the Territory of Wisconsin.

That part of Minnesota west of the Mississippi river included in the Louisiana Purchase was governed by the war department from 1803 to 1804, attached to the Territory of Indiana for judicial purposes. From 1805 to 1812 it was a part of the Territory of Louisiana as distinguished from the Territory of Orleans. In 1812 the Territory of Louisiana was organized as the Territory of Missouri. From 1821 until 1834 Minnesota west was without legal organization. In 1834 it was attached to the Territory of Michigan for the purpose of temporary government. In 1838 it became a part of Clayton County of the Territory of Iowa.

The Red River Valley was never organized until it became a part of the Territory of Minnesota.

2. Territorial. Minnesota came into existence as a territory by virtue of the organic act of Minnesota passed March 3, 1849, effective March 10, 1849. Section 12 of the organic act provides that the laws in force in the Territory of Wisconsin at the date of the admission of the State of Wisconsin shall be valid and operative in Minnesota until altered, modified, or repealed by the Minnesota legislature.

3. Statehood. Congress passed the enabling act authorizing a state government on February 26, 1857. The members selected by the electorate to frame a constitution divided into groups and two conventions were held. They agreed upon a constitution and Minnesota was admitted to the Union on May 11, 1858.

4. Compilations and Revisions. The following compilations and revisions have been published:

- Revised statutes of the Territory of Minnesota, 1851;
- Public statutes of the State of Minnesota, 1849-1858;
- General Statutes, 1866;
- Statutes at large, 1873;
- General Statutes, 1878;
- General statutes, 1889;
- General statutes, 1891;
- General statutes, 1894;
- Revised laws, 1905;
- General statutes, 1913;
- Supplement to general statutes, 1917;
- General statutes, 1923;
- Mason's Minnesota Statutes of 1927;
- Mason's supplements, 1931, 1934, 1936, 1938, 1940.

5. Statutes. The office of the Revisor of Statutes was created by Laws 1939, Chapter 442. Its purpose is to make a topical, continuous revision of the statutes to be published biennially with cumulative annotations, historical data, source notes, and index. The state will be the owner not only of the text of the statutes but the annotations, source notes, index, and all rights of publication. Type and matrices used in this printing are kept for future publications and departmental pamphlets. The undersigned has functioned as revisor since July 1, 1939.

The last revision of the Minnesota statutes was in 1905. We started from there. Mason Publishing Company has copyright ownership of the annotations, source

notes, and index in its publications. This compilation was prepared independently of Mason's.

6. Classification. A proper revision could not be made without the adoption of a new classification. The work of revision will always be with us; not so the classification. The opportunity to change the classification seldom occurs and the need of such a change seldom arises; but the need and the opportunity co-exist in Minnesota at present.

We have divided the statutes into six parts:

	Chapters	Sections
Part I Public Rights	400	11,867
Part II Private Rights and Privileges.....	17	603
Part III Estates of Decedents and Guardianship....	2	222
Part IV Redress of Civil Injuries.....	54	928
Part V Crime and Criminals.....	31	1,176
Part VI Construction of Statutes, Curative Acts, and Express Repeals.....	4	139
	508	14,935

Unnumbered titles and subtitles are used liberally. Parts, titles, and subtitles are not used in reference or citation; they indicate logical sequence of chapter groupings. Chapters have been arranged topically under appropriate titles. Under chapters we have no division other than sections, numbered subdivisions, and clauses. Sections are placed in logical sequence within chapters.

7. Numbering System. The only system of numbering that lends itself completely to continuous revision is that in use in Wisconsin. It is based on having a decimal point in it so as to show on one side the chapter number and on the other the section number. The number at the left of the decimal indicates the chapter. The number at the right indicates the section. The section number 43.12, broken into component parts, would read chapter 43, section 12. Section numbers may run from .01 to .99. New sections may be placed at the end of a chapter, but, if logical sequence requires they should be inserted between certain sections, an additional decimal denominator may be used. For example, new sections not more than nine in number may be placed between 20.13 and 20.14 and may be designated 20.131, 20.132, or similar. It is easy to turn to a section for which you are looking. A citation of one number includes the chapter and the section designations. No two chapters and no two sections will ever have the same number. Future sections or chapters may be added easily without disturbing existing chapter and section numbers.

8. Editorial. In preparing this compilation we have, under the authority granted us, deleted:

(1) Unnecessary sections such as repeals, preambles, severable, construction, and taking effect sections and general laws of limited or special application;

(2) Private and local acts;

(3) Obsolete and obsolescent sections;

(4) Duplications;

(5) Sections declared unconstitutional.

We have made no changes in punctuation or wordage except to correct mechanical errors. Sections impliedly repealed have not been deleted except on the advice of the attorney general. A number of sections have been combined to save words and to clarify. The state board of control and the office of comptroller have been abolished and their powers and duties variously distributed. There are more than 2,000 instances where the term "board of control" is used and about 1,000 places where the term "comptroller" is used. We have deleted those words and in place of them used the title of the office or officer now performing that particular function. There are other boards and offices that have been abolished, necessitating similar editorial changes. In earlier compilations and particularly in the Revised Laws of 1905 the term "subdivision" was frequently used to designate a group of chapters. The term "subdivision" has also been used in a few legislative enactments to refer to a group of sections denoting a particular part of the act. We have deleted the word "subdivision" as used in that sense and have inserted proper references. No attempt has been made in previous compilations to substitute for the word "act" the proper reference. We have made the proper reference.

We have treated subjects functionally. We call particular attention to the topic

of cities and villages where an entirely new arrangement of chapters has been created. From the chapter on licensed employments we have transferred subjects like attorneys at law, basic science act, physicians, Christmas trees, and similar, and have treated them functionally and placed them accordingly. The subject of taxation has been arranged in chapters in accordance with the decisions of our supreme court rather than in accordance with the text book treatment of the subject.

9. Source Notes. At the end of each section in brackets would be found reference to Revised Laws 1905 followed by reference to legislative acts amending. No attempt has been made to show the history of any section prior to 1905. The source notes enclosed in brackets are followed by Mason's number in parentheses.

10. Reference Tables. Preceding the general index are comparative tables. They consist of parallel section references connecting the section numbers in this code with the Revised Laws 1905, the subsequent session laws, and Mason's Minnesota Statutes of 1927 and supplements.

11. Index. No revisor or publisher of statutes has ever been able to create an index entirely satisfactory to bench and bar. No one ever will. No indexer is able to determine the approach toward the law which may be made by any specific user, or the words and phrases through which he may seek access to the matter for which he is searching. There is less need for reliance upon the index where the chapters are placed within parts and titles topically and where the sections within the chapters are in logical sequence. In modern statutes properly classified the searcher for the law turns first to the table of contents and to the table at the head of each chapter and only refers to the index if he is unable to find what he seeks through the first approach. We ask that the searcher for the law try the method of finding his objective through the table of contents before referring to the index. The Mason Publishing Company owns the copyright of the index used in our present statutes. Index to this volume is based upon the index to the 1923 statutes supplemented by the indexes contained in the subsequent session laws. We have also made a complete independent index from a study of each section contained in this volume. We then amalgamated the two into a tentative index. This later has been supplemented by a study of the indexes found in states like Wisconsin and publications such as Corpus Juris.

There will be many imperfections. Because of editorial changes and the amalgamation of the 1941 session laws there may even be some errors in reference numbers. We have endeavored to produce a usable index. A good index must necessarily be the result of the building up through a period of years, the correction of errors, and the addition of omissions. The creation of an index is a process of trial and error.

12. Statutory Rules of Construction. Attention is called to chapter 645, being interpretative laws, rules of construction, and words and phrases applicable to all sections of the statute. Such statutory rules are more than ordinary text book canons of construction; they are part of the statutes and equally binding with the provisions they interpret.

13. Implied Repeals. Legislative enactments very frequently contain the provision "All acts and portions of acts inconsistent herewith are hereby repealed." The revisor's office lacks authority to pass upon the repeal of a statute by implication, except in instances where the implication is clear and unmistakable. We have therefore retained in this compilation many sections which the legislature may have intended to repeal. Opinions have been obtained from the attorney general's office on which to base any deletions of sections impliedly repealed. The same is true of changes in sections where parts have been impliedly repealed.

14. Appreciation. We acknowledge assistance, valuable suggestions, and aid from the attorney general and his staff, Robert K. Cullen of Frankfort, Kentucky, Orville Peterson of the Minnesota League of Municipalities, Horace E. Read of the University of Minnesota Law School, and numerous others.

William B. Henderson,
Revisor.

MINNESOTA STATUTES 1941

CONSTITUTION OF THE UNITED STATES

ARTICLE I

Section—

1. Of the legislative power.
2. House of representatives; qualification of members; apportionment of representatives and direct taxes; census; first apportionment; vacancies; officers of the house; impeachments.
3. Senate; classification of senators; qualifications of; vice president to preside; other officers; trial of impeachments.
4. Election of members of congress; meetings of congress.
5. Powers of each house; expulsion of members; journal; adjournments.
6. Compensation and privileges; disabilities of members.
7. Revenue bills; passage and approval of bills; orders and resolutions.
8. General powers of congress.
9. Certain limitations of the powers of congress.
10. Limitation of the powers of individual states.

ARTICLE II

1. Of the executive powers; electors, how and when chosen; qualifications of president; when powers of, to devolve upon vice president; compensation and oath of president.

Section—

2. Powers and duties of president; making of treaties; power of appointment.
3. Other powers and duties.
4. Officers liable to impeachment.

ARTICLE III

1. Of the judicial power.
2. Extent of the judicial power; jurisdiction of the supreme court; trials for crimes.
3. Treason defined; trial for and punishment.

ARTICLE IV

1. Effect of public acts, records, etc., of each state.
2. Citizenship; fugitives from justice and from service to be delivered up.
3. Admission of new states; power of congress over territory.
4. Republican form of government guaranteed to the several states; protection from invasion or domestic violence.

ARTICLE V

1. How constitution may be amended.

ARTICLE VI

1. Of the public debt; constitution to be supreme law of the land; constitutional oath of office; religious tests prohibited.

ARTICLE VII

1. Ratification of constitution.

AMENDMENTS

Article—

1. Religious freedom; freedom of speech and of the press; right of petition.
2. Right to bear arms.
3. Quartering of soldiers.
4. Unreasonable searches and seizures; search warrants.
5. Rights of persons charged with crimes; taking of private property.
6. Trials in criminal cases and rights of the accused.
7. Trials by jury in civil cases.
8. Excessive bail, fines and punishments.
9. Rights of the people.
10. Of powers reserved to the states.
11. Extent of judicial powers.
12. Manner of electing president and vice president; qualification of vice president.

Article—

13. Prohibition of slavery.
14. Citizenship; security of persons and property; apportionment of representatives; who prohibited from holding office; validity of the public debt; what obligation to be void.
15. Right of citizens to vote.
16. Income tax.
17. Election of United States senators.
18. Prohibition of the liquor traffic.
19. Women's suffrage.
20. Dates of beginning and ending of terms of president and vice president, senators and representatives and date of the assembling of the congress declared.
21. Eighteenth article of amendment repealed.

Preamble. We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, 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. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and a house of representatives.

Sec. 2. 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.

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.

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 30,000, 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 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3.

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. The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

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. 'When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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. 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 meetings shall be on the first Monday in December, unless they shall, by law, appoint a different day.

Sec. 5. Each house shall be the judge of the election 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. 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. 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. The Congress shall have power:

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

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 postoffices and postroads;

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 offenses, against the laws 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 foregoing 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. 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 case 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 and 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. 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.

¹Amendments ratified 1913. See Amendment No. 17.

ARTICLE II

Section 1. 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 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 appointed, if such a 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 vote 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.]

²The portion in brackets has been superseded by the 12th amendment.

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 nor 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. 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 offenses 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 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. 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. 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. 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.*

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 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. 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.

*See the 11th amendment.

ARTICLE IV

Section 1. 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. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

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. 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.

Sec. 4. The United States shall guarantee to every state in the 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 cannot be convened), against domestic violence.

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ARTICLE V

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

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, anything 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

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

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

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, or to petition the government for a redress of grievances.

ARTICLE II

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

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

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 persons or things to be seized.

ARTICLE V

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

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the land or naval forces, or in the militia, when in actual service, in time of war and public danger; nor shall any person be subject for the same offense 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

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 defense.

ARTICLE VII

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 in the United States than according to the rules of the common law.

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

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

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

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 ballot 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 vote 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. 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. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Section 1. 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. 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 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. 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. 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. 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.

ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

ARTICLE XVII

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

ARTICLE XIX

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XXII

Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

Sec. 2. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

NOTE.—The Constitution was adopted Sept. 17, 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 twenty-first of February, 1787, and was ratified by the conventions of the several states, as follows, viz.: By convention of Delaware, Dec. 7, 1787; Pennsylvania, Dec. 12, 1787; New Jersey, Dec. 18, 1787; Georgia, Jan. 2, 1788; Connecticut, Jan. 9, 1788; Massachusetts, Feb. 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, Nov. 21, 1789; Rhode Island, May 29, 1790.

The first ten of the amendments were proposed at the first session of the First Congress of the United States, Sept. 25, 1789; and were finally ratified by the constitutional number of states Dec. 15, 1791. The eleventh amendment was proposed at the first session of the Third Congress, March 5, 1794, and was declared in a message from the president of the United States to both houses of Congress, dated Jan. 8, 1798, to have been adopted by the constitutional number of states. The twelfth amendment was proposed at the first session of the Eighth Congress, Dec. 12, 1803, and was adopted by the constitutional number of states in 1804, according to a public notice thereof by the secretary of state, dated Sept. 25, 1804.

The thirteenth amendment was proposed at the second session of the Thirty-eighth Congress, Feb. 1, 1865, and was adopted by the constitutional number of states in 1865, according to a public notice thereof by the secretary of state, dated Dec. 18, 1865.

The fourteenth amendment took effect July 28, 1868.

The fifteenth amendment took effect March 30, 1870.

The sixteenth amendment took effect February 25, 1913.

The seventeenth amendment took effect May 31, 1913.

The eighteenth amendment took effect January 29, 1920.

The nineteenth amendment took effect August 27, 1920.

The twentieth amendment was proclaimed February 6, 1933.

The twenty-first amendment was proclaimed December 5, 1933.

The twenty-second amendment has been proposed by Congress to the states. It has not yet been ratified by the requisite number of states. It has been ratified by the Minnesota Legislature Joint Resolution No. 2, approved December 14, 1933. Extra Session. As to limitation of time for ratification see *Coleman v. Miller*, 307 U. S. 433 (Kansas, 1939).

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ORGANIC ACT OF MINNESOTA

An act to establish the Territorial Government of Minnesota.
[Passed March 3, 1849.]

Section 1. *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. *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 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 offenses against the law of said Territory, and reprieves for offenses 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. *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 the duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

Sec. 4. *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 councilors 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 councilors 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 districts 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 session of the legislative assembly; *provided*, that no one session shall exceed the term of sixty days.

Sec. 5. *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. *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 governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

Sec. 7. *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. *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. *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 time 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 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 judges 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.

Sec. 10. *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. *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 \$1,500 as governor, and \$1,000 as superintendent of Indian affairs. The chief justice and associate justice shall each receive an annual salary of \$1,800. The secretary shall receive an annual salary of \$1,800. 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 traveled in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated, annually, the sum of \$1,000, 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. *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. *And be it further enacted*, That the legislative assembly of the Territory of Minnesota shall hold its first session in 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. *And be it further enacted*, That a delegate of 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 time 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. *And be it further enacted*, That all suits, process and proceedings, civil and criminal, at law or 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 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 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. *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. *And be it further enacted*, That the sum of \$5,000 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 attorneys of said Territory, and such other persons and under such regulations as shall be prescribed by law.

Sec. 18. *And be it further enacted*, That when the lands in 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. *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. *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 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 legislative assembly, by adjournment, prevent it, in which case it shall not become a law.

ACT AUTHORIZING A STATE GOVERNMENT

[Passed Feb. 26, 1857.]

Section 1. *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 center 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 de Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof, thence in a direct line to the head of Big Stone lake; thence through its center 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 with 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 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. *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 forever 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. *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 shall 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. *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, 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. *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:

TERRITORIAL LAWS 1851, CHAPTER 3

Perpetuated by the Constitution of the State of Minnesota, Article 8, Section 4.

CHAP. III.—An act to incorporate the University of Minnesota, at the Falls of St. Anthony.

BE IT ENACTED BY THE LEGISLATURE ASSEMBLY OF THE TERRITORY OF MINNESOTA, That there shall be established in this Territory an Institution, under the name and style of the University of Minnesota:

Sec. 2. The proceeds of all land that may hereafter be granted by the United States to the Territory for the support of a University, shall be and remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of a University, and no sectarian instruction shall be allowed in such University.

Sec. 3. The object of the University shall be to provide the inhabitants of this Territory with the means of acquiring a thorough knowledge of the various branches of Literature, Science and the Arts.

Sec. 4. The government of this University shall be vested in a Board of twelve Regents, who shall be elected by the Legislature as hereinafter provided.

Sec. 5. The members of the Board of Regents shall be elected at the present session of the Legislature, and shall be divided into classes, numbered one, two, and three; class numbered one shall hold their offices for two years; class numbered two, for four years, and class numbered three, for six years, from the first Monday of February, one thousand, eight hundred and fifty one; biennially thereafter there shall be elected in Joint Convention of both branches of the Legislature, four members to supply the vacancies made by the provisions of this section, and who shall hold their offices for six years respectively.

Sec. 6. Whenever there shall be a vacancy in the office of Regents of the University, from any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed, shall continue in office until the close of the session of the Legislature, then next thereafter, and until others are elected in their stead.

Sec. 7. The Regents of the University and their successors in office, shall constitute a body corporate, with the name and style of the "Regents of the University of Minnesota," with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

Sec. 8. The Regents shall appoint a Secretary, a Treasurer, and a Librarian, who shall hold their respective offices during the pleasure of the Board. It shall be the duty of the Secretary to record all the proceedings of the Board and carefully to preserve all its books and papers; the Treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the Regents may require.

Sec. 9. The Regents shall have power, and it shall be their duty to enact laws for the government of the University; to elect a Chancellor, who shall be ex-officio, President of the Board of Regents, or when absent, or previous to the election of such Chancellor, the Board may appoint one of their own number President pro tem. They may also appoint the requisite number of professors and tutors and such other officers as they may deem expedient; also to determine the amount of their respective salaries: Provided, That the salaries thus determined, shall be submitted to the Legislature for their approval or dissent.

Sec. 10. The University shall consist of five Departments: The Department of Science, Literature and the Arts: The Department of Law: The Department of Medicine: The Department of the theory and practice of Elementary Instruction: The Department of Agriculture. The immediate government of the several Departments shall be entrusted to their respective Faculties; but the Regents shall have power to regulate the course of Instruction, and prescribe under the advice of the

Professorships, the books and authorities to be used in the several Departments, and also to confer such degrees and grant such diplomas as are usually conferred by other Universities.

Sec. 11. The Regents shall have power to remove any officer connected with the Institution, when in their judgment the interest of the University requires it.

Sec. 12. The admission fee to the University and the charges for tuition in the several Departments thereof, shall be regulated and prescribed by the Board of Regents; and as soon as in their opinion, the income of the University fund will permit, tuition in all of the Departments shall be without charge to all students in the same, who are residents of the Territory.

Sec. 13. The University of Minnesota, shall be located at or near the Falls of Saint Anthony, and the Regents as soon as they may deem expedient, shall procure a suitable site for the erection of the University buildings, and they may proceed to the erection of the same as soon as funds may be provided for that purpose, after such plan or plans as may be approved by a majority of said Board.

Sec. 14. The Regents shall have the power, and it shall be their duty, as soon as the requisite funds shall have been secured for that purpose, to establish a Preparatory Department of said University, and employ teachers for the same, who shall be qualified to give instruction in all the branches of learning usually taught in Academies; which Preparatory Department may be discontinued whenever the Regents may think proper, after the other Departments of said University shall have been established.

Sec. 15. The Regents are authorized to expend such portions of the fund, which by the provisions of this act, may come under their control, as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a Library, and a Cabinet of Natural History; and the selection, management and control of all lands, which may hereafter be granted by Congress for the endowment of said University, is hereby vested in the Board of Regents.

Sec. 16. The Regents shall make a report annually, to the Legislature at its regular session, exhibiting the state and progress of the University in its several Departments, the course of study, the number of professors and students, the amount of expenditures and such other information as they may deem proper, or may from time to time be required of them.

Sec. 17. Meetings of the Board may be called by any seven members thereof, at such time and place as they may deem expedient, and a majority of the said Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Sec. 18. The Regents, if they shall deem it expedient, may receive into connection with the University, any college within the Territory, upon application of the Board of Trustees; and such college so received, shall become a branch of the University, and be subject to the visitation of the Regents.

Sec. 19. No religious tenets or opinions shall be required to entitle any person to be admitted as a student in said University; and no such tenets or opinions shall be required as a qualification for any professor, tutor or officer of said University.

Sec. 20. The Legislative Assembly may at any time, alter, amend, modify or repeal this act.

Historical Note—See State v. Chase, 175 M. 259, 220 N. W. 951; State v. Quinlivan, 198 M. 65, 268 N. W. 853.

MINNESOTA STATUTES 1941

ACT OF ADMISSION INTO THE UNION

An Act for the admission of Minnesota into the Union.
[Passed May 11, 1858.]

Whereas, An act of Congress was passed February twenty-sixth, 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,

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. *And be it further enacted,* That said State shall be entitled to two representatives in Congress, until the next apportionment of representatives among the several states.

Sec. 3. *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 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 of 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.