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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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1851

REVISED STATUTES

OF THE

TERRITORY OF MINNESOTA.

An act for revising and consolidating the general statutes of the Territory.

Whereas, It is expedient that the general statutes of this territory should be consolidated and arranged in appropriate chapters, articles and sections, that omissions and defects therein should be supplied and amended, and that the whole should be rendered concise, plain, and intelligible; Therefore

Be it enacted by the legislative assembly of the territory of Minnesota, in manner following, that is to say:

CHAPTER 1.

OF THE DIVISION OF THE TERRITORY INTO COUNTIES, AND THEIR BOUNDARIES.

SECTION

- 1. Territory, how divided into counties.
- 2. Washington county, its limits, &c.
- 3. Ramsey county, its limits, &c.
- 4. Chisago county, its limits, &c.
- 5. Benton county, its limits, &c.
- 6. Itasca county, its limits, &c.
- 7. Wabashaw county, its limits, &c.
- 8. Dakota county, its limits, &c.
- 9. Cass county established, its limits, &c.
- 10. Pembina county, its limits, &c.
- 11. County of Chisago, when to be organized.
- 12. Counties organized for all purposes.

SECTION

- 13. Counties organized for special purposes.
- 14. Seat of justice of Chisago.
- 15. Seat of justice of Washington.
- 16. Seat of justice of Ramsey.
- 17. Seat of justice of Benton.
- 18. Counties attached for judicial purposes.
- 19. Governor to appoint justices in certain counties.
- 20. Justices, conservators of the peace.
- 21. Unorganized counties annexed for the purposes of taxation.

SEC. 1. This territory shall be divided into the following counties, to wit: Benton, Dakota, Itasca, Cass, Pembina, Ramsey, Washington, Chisago, and Wabashaw, and they shall be bounded and described as in the following sections mentioned:

Territory, how divided into counties.

Washington county
its limits, &c.

SEC. 2. That so much of the said territory as is contained in the following boundaries be and the same is hereby erected into a separate county, which shall be known by the name of Washington, to wit: Beginning at a point in the Mississippi river where the section line between sections twenty-three and twenty-six in township twenty-eight, north of range twenty-two west, strikes the said river; thence east on said line until it intersects the range line between ranges twenty-one and twenty-two west of the fourth principal meridian; thence due north on said range line to its intersection with the northern boundary line of town thirty-two north; thence east along said line to its intersection with the eastern boundary line of the aforesaid territory; thence south upon the eastern boundary line of said territory to its intersection with the Mississippi; thence up said river to the place of beginning.

Ramsey county, its
limits, &c.

SEC. 3. That so much of said territory as is contained within the following boundaries be, and the same is hereby erected into a separate county, which shall be known by the name of Ramsey, to wit: Beginning at the mouth of Rum river, thence up said river and the west branch thereof to its source; thence due north to its intersection with the Mississippi river; thence up said river to its intersection with the southern boundary line of Itasca county; thence in a south-easterly direction along said boundary line to its intersection with the boundary line of Chisago county; thence south along the western boundary line of Chisago and Washington counties to its intersection with the line between sections twenty-four and twenty-five in township twenty-eight, north of range twenty-two west; thence west along said section line to the Mississippi river; thence up said river to the place of beginning, including the islands in said river.

Chisago county, its
limits, &c.

SEC. 4. That so much of the said territory as is contained within the following boundaries be, and the same is hereby, erected into a separate county, which shall be known by the name of Chisago, to wit: Beginning at a point on the St. Croix river, where the boundary line between townships thirty-two and thirty-three north of range nineteen west of the fourth principal meridian intersects said river; thence running west on said township line to its intersection with the range line between ranges twenty-one and twenty-two west; thence north on said range line to its intersection with the south boundary line of township thirty-six north of range twenty-two west; thence west on said township line to its intersection with the range line between ranges twenty-two and twenty-three west; thence due north to the southern boundary line of Itasca county; thence along said boundary line in a south-easterly direction to its intersection with the eastern boundary line of said territory; thence south on said eastern boundary line to the place of beginning: *Provided*, That no special election shall be required to elect county officers for said county; but the said officers shall be elected by the qualified voters of said Chisago county at the next general election held in this territory, who shall qualify and enter upon the discharge of the duties of their office on the first day of January, one thousand eight hundred and fifty-two. The returns of said election shall be made to, and the certificates of election issued by the clerk of the board of commissioners of Washington county.

Benton county, its
limits, &c.

SEC. 5. That so much of said territory as is contained within the following boundaries be, and the same is hereby erected into a separate county, which shall be known by the name of Benton, to wit: Beginning at the mouth of Rum river; thence along the western boundary of Ramsey county, to its intersection with the Mississippi river; thence down said river to the place of commencement.

SEC. 6. That so much of the said territory as is contained within

the following boundaries be, and the same is hereby erected into a separate county, which shall be known by the name of Itasca, to wit: Beginning at the point where forty-six degrees thirty minutes, north latitude intersects the eastern boundary line of the territory of Minnesota; thence north along the eastern boundary line of said territory to the British possessions; thence along the boundary line of said territory to the middle of the lake of the Woods; thence south in a direct line to the Mississippi river; thence down said river to the mouth of Muddy creek; thence in a direct line to the point of beginning.

Itasca county, its limits, &c.

SEC. 7. That all that portion of the said territory lying east of a line running due south from a point on the Mississippi river known as Medicine Bottle's village, at Pine Bend, to the Iowa line be, and the same is hereby erected into a separate county which shall be known by the name of Wabashaw.

Wabashaw county, its limits, &c.

SEC. 8. That all that portion of the said territory west of the Mississippi and lying west of the county of Wabashaw, and south of a line beginning at the mouth of Crow river, and up said river and the north branch thereof to its source, and thence due west to the Missouri river be, and the same is hereby erected into a separate county, which shall be known by the name of Dakota.

Dakota county, its limits, &c.

SEC. 9. That all that portion of the said territory within the following limits, viz: Beginning at the mouth of Crow river; thence up the Mississippi river to Itasca lake; thence on a direct line to Otter Tail lake; thence on a direct line to the source of Long Prairie river; thence south to the northern boundary line of Dakota county; thence along said line to the place of beginning, be, and the same is hereby erected into a separate county which shall be known by the name of Cass.

Cass county established, its limits, &c.

SEC. 10. That all that portion of said territory not embraced within the limits of any of the foregoing counties, be, and the same is hereby erected into a separate county, which shall be known by the name of Pembina.

Pembina county, its limits, &c.

SEC. 11. The county of Chisago from and after the first day of January, one thousand eight hundred and fifty-two, shall and is hereby declared to be an organized county, and invested with all and singular the rights, privileges and immunities to which all organized counties in this territory shall be and are by law entitled.

County of Chisago, when to be organized.

SEC. 12. That the counties of Washington, Ramsey and Benton be, and the same are hereby declared to be organized counties, and invested with all and singular, the rights, privileges and immunities to which all organized counties in the territory shall be and are by law entitled.

Counties organized for all purposes.

SEC. 13. That the counties of Itasca, Wabashaw, Dakota, Cass and Pembina be and the same are hereby declared to be organized only for the purpose of the appointment of justices of the peace, constables and such other judicial and ministerial officers as may be specially provided for.

Counties organized for special purposes.

SEC. 14. The seat of justice of the county of Chisago shall be at such point in said county as the first board of commissioners elected in said county shall determine.

Seat of Justice of Chisago.

SEC. 15. The seat of justice of Washington county shall be at Stillwater in the said county.

Seat of Justice of Washington.

SEC. 16. The seat of justice of the county of Ramsey shall be at St. Paul in the said county of Ramsey.

Seat of Justice of Ramsey.

SEC. 17. That the seat of justice of the county of Benton shall be within one quarter of a mile of a point on the east side of the Mississippi river, directly opposite the mouth of Sauk river.

Seat of Justice of Benton.

SEC. 18. That the county of Wabashaw is hereby attached to the county of Washington for judicial purposes; that the county of Dakota is hereby attached to the county of Ramsey for judicial purposes, and

Counties attached for judicial purposes.

CONSTRUCTION OF STATUTES.

the counties of Cass, Itasca and Pembina are hereby attached to the county of Benton for judicial purposes.

Governor to appoint justices in certain counties.

SEC. 19. That the counties of Itasca, Wabashaw, Dakota, Cass and Pembina, shall each be entitled to any number of justices of the peace, not exceeding six, and to the same number of constables; which said justices and constables shall receive their appointment from the governor; and their term of office shall be two years, unless sooner removed by the governor.

Justices, conservators of the peace.

SEC. 20. That the justices and constables appointed for said counties shall be conservators of the peace, and shall each give a bond to the territory to be approved by the secretary, in the sum of five hundred dollars for the faithful performance of their duties, upon which bond they may at any time be sued for the benefit of any person or persons aggrieved, by reason of the wilful omission of duty or misconduct of such officers.

Unorganized counties annexed for the purposes of taxation.

SEC. 21. Counties which are unorganized for judicial purposes, which are annexed or hereafter to be annexed to any organized county for judicial purpose, shall, for the purpose of assessment and collection of taxes, be deemed to be within the limits of the county to which they are or may be so annexed, and as forming a part thereof unless and until otherwise provided by law.

CHAPTER 2.

OF THE STATUTES AND LEGISLATIVE PROCEEDINGS.

SECTION

1. Rules to be observed in the construction of statutes.
2. Statutes, when to take effect.
3. Original acts to be deposited with the secretary.
4. Statutes, how promulgated.
5. Revised statutes, how to be printed.
6. Acts not repealed, to be bound with revised statutes.
7. Commissioner to superintend publication.
8. Powers and duties of such commissioner.

SECTION

9. Secretary to furnish certified copies.
10. Enacting clause.
11. Revised statutes to be read in evidence.
12. Distribution of statutes, who entitled to copies of.
13. Register of deeds to receive fifty copies.
14. Copies of revised statutes to be returned to register of deeds.
15. Copies to be deposited in the library.
16. This chapter, when to take effect.

CONSTRUCTION OF STATUTES.

Rules to be observed in the construction of statutes.

SEC. 1. In the construction of all statutes, the following rules shall be observed, unless such construction will be inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute, that is to say:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.