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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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Duties of librarian.

SEC. 16. The librarian, in addition to other duties assigned him by law, shall also have the custody of the furniture and property appertaining to the chambers of the legislative assembly, and to the respective committee rooms thereof, and shall be liable on his official bond for any loss or injury to such furniture or property arising from negligence or misconduct; and he shall also prepare for the accommodation of members the respective chambers of the legislative assembly previous to each annual session thereof.

Either house may remove an officer.

SEC. 17. It shall be competent at any time during a session of the legislative assembly, for either house, by a vote of two-thirds of the members present, to remove from office any of the officers provided for in this act; but in case of the removal of any officer by either house, his place shall be supplied by an election, viva voce; and in all elections under the provisions of this act for officers of either house of the legislative assembly, it shall require a majority of all the votes cast to determine a choice.

Compensation of officers of each house.

SEC. 18. There shall be allowed to the presiding officers of each house three dollars per diem extra, and to each of the officers provided for by this act, for the council and house of representatives, three dollars per diem during the session of the legislative assembly.

Either house may request the opinion of supreme court.

SEC. 19. Either house may, by resolution, request the opinion of the supreme court, or any one or more of the judges thereof upon a given subject, and it shall be the duty of such court or judges when so requested, respectively, to give such opinion in writing.

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CHAPTER 4.

OF TERRITORIAL OFFICERS.

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  - ARTICLE 2.—OF THE TERRITORIAL TREASURER.
  - ARTICLE 3.—OF THE ATTORNEY GENERAL.
  - ARTICLE 4.—OF THE SUPERINTENDENT OF COMMON SCHOOLS.
  - ARTICLE 5.—OF THE DELEGATE TO CONGRESS.
  - ARTICLE 6.—OF NOTARIES PUBLIC.

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ARTICLE I.

OF THE AUDITOR.

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1. Auditor to be appointed by the governor.
2. Auditor to take and subscribe an oath of office.
3. Governor to cause suit to be instituted against auditor.

SECTION

4. Duty of auditor to examine and settle all accounts.
5. Auditor to draw warrants on the treasury.
6. Auditor to keep accounts current with counties.

SECTION

- 7. Notice to be given to clerk of board of county commissioners.
- 8. Warrants to be countersigned by treasurer.

SECTION

- 9 Auditor to prosecute all persons who neglect to pay over territorial revenue.
- 10. Salary to be allowed auditor.
- 11. Office, where kept.

SEC. 1. There shall be appointed by the governor, by and with the advice and consent of the council, a territorial auditor, who shall hold his office for the term of one year, and shall before entering upon the duties of his office, give a bond to the United States in the penal sum of five hundred dollars, with two or more sufficient sureties, to be approved by the governor of the territory, conditioned that he will deliver over to his successor in office, all books, records, vouchers, papers, presses, and furniture appertaining to said office, that may come into his possession, for the faithful discharge of the duties of his office, which bond with the oath of office shall be filed in the office of the secretary of the territory.

Auditor, how appointed.

SEC. 2. The said auditor shall also, before he enters upon the duties of his office, take and subscribe an oath in the following form: "I (A. B.) do solemnly swear (or affirm) that I will faithfully and honestly discharge the duties appertaining to the office of auditor of the territory of Minnesota."

Bond to be filed.

Oath of office.

SEC. 3. When any condition of said bond shall be broken by the said auditor, the governor shall cause suit to be instituted against the said auditor and his sureties on his said bond, and on recovery thereon shall not render the said bond void, but further breaches shall be prosecuted from time to time until the whole penalty shall be recovered.

Bond, when to be sued.

SEC. 4. It shall be the duty of the auditor to examine, adjust and settle the accounts of all persons indebted to the territory, and to keep an account between this territory and the treasurer thereof, and therein charge him with the balance in the treasury, and with all moneys received by him, and credit him with all warrants drawn upon him; and said auditor shall exhibit to the legislature annually, a complete and full statement of the funds of the territory, of the amount of the territorial revenue, of the amount of the salaries of the officers of the territory, and of the other expenses and liabilities of the territory for the year preceding.

Duties of auditor.

SEC. 5. No funds shall be paid out of the territorial treasury except on warrants drawn by the auditor; and all receipts for money hereafter to be paid to the treasurer, shall be taken to the auditor, who shall countersign the same and enter them in a book to be kept in his office for that purpose, to the credit of the person by whom such payment shall be made; and no receipt of the treasurer unless countersigned as aforesaid shall be evidence of such payment.

Auditor to draw warrants on the treasury.

SEC. 6. It shall be the duty of the auditor to keep an account current with the several organized counties in this territory, in which account current he shall charge the said counties with such sums as will correspond with the amount of the territorial tax directed by law to be levied in such counties, and the counties thereto attached for judicial purposes.

Account current to be kept by.

SEC. 7. It shall be the duty of the auditor of the territory to transmit a notice to each of the clerks of the board of county commissioners in the several organized counties in this territory, requiring such clerks as soon as the assessment roll in their respective counties shall be completed and corrected, as required by law, to transmit to him the amount of such assessment, together with the aggregate amount of all property, personal and real, which may have been assessed in their respective counties, and in the counties attached thereto for judicial purposes.

Notice to clerk of commissioners.

SEC. 8. In all cases where a warrant is issued by the auditor upon

TERRITORIAL TREASURER.

Warrants to be countersigned by treasurer.

the treasurer, the said warrant, before it is delivered to the person for whose benefit the same was drawn, shall be presented by the auditor, to the said treasurer, who shall countersign the same and enter in a book to be kept for that purpose, the date and amount of such warrant and the name of the person to whom the same is made payable.

Auditor to prosecute certain persons.

SEC. 9. It shall be the duty of the auditor to prosecute all persons in the name of the territory, who neglect or refuse to pay over to the treasurer, all territorial revenue which such person may have in his hands, and to perform such other duties as are, or may be prescribed by law.

Salary.

SEC. 10. There shall be allowed, annually, to the auditor of this territory, the sum of one hundred dollars, in full compensation for all his services.

Office, where kept.

SEC. 11. The auditor shall keep his office at the seat of government of the territory.

ARTICLE II.

OF THE TERRITORIAL TREASURER.

SECTION

- 1. Territorial treasurer to be appointed by the governor.
- 2. Treasurer to execute an oath of office and bond.

SECTION

- 3. Bond and oath to be deposited with secretary.
- 4. Moneys, how drawn from treasury.
- 5. Salary of treasurer.
- 6. Where to keep his office.

Appointment of treasurer.

SEC. 1. There shall be appointed by the governor, by and with the advice and consent of the council, a territorial treasurer, whose term of service shall be for one year, unless sooner removed by the governor.

Bond and oath of office.

SEC. 2. The treasurer, before he enters upon the discharge of the duties of his office, shall take an oath before some person qualified by law to administer oaths, to support the constitution of the United States, and that he will honestly and faithfully discharge the duties appertaining to his said office; and shall execute a bond to the United States, with two or more sufficient sureties to be approved by the governor, in the penal sum of three thousand dollars, subject to be increased to ten thousand dollars at any time when the governor shall direct, conditioned for the faithful discharge of his duties as treasurer, and for the delivery over to his successor of all moneys, books, records, papers, and other effects appertaining to his said office.

Bond and oath, where deposited.

SEC. 3. The bond and oath of office of the treasurer shall be deposited in the office of the secretary of the territory; and if the conditions of the bond shall at any time be broken, the governor shall cause suit to be instituted against said treasurer and his sureties on his said bond, and recovery thereon shall not render the said bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered.

Moneys, how drawn from the treasury.

SEC. 4. No money shall be paid out of the territorial treasury, except on warrants drawn by the auditor, and it shall be the duty of the treasurer to pay all such warrants out of any moneys in the treasury and to give his receipt for all moneys paid into the treasury, to lay before the legislature, at its annual session in each year, a true and correct statement of the balance in the treasury, with a summary of the

receipts and payments of the treasury during the preceding year, and to perform such other duties as are or may be presented by law.

SEC. 5. That there shall be allowed annually to the treasurer of this territory, the sum of one hundred dollars in full compensation for all his services.

Salary of treasurer.

SEC. 6. The treasurer shall keep his office at the seat of government of this territory.

Where to keep his office.

ARTICLE III.

OF THE ATTORNEY GENERAL.

SECTION

- 1. Attorney general to be appointed by governor.
- 2. To appear in all suits on behalf of the territory.

SECTION

- 3. To give opinion to legislative assembly, or territorial officers when required.
- 4. Attorney general may administer oaths.
- 5. Attorney general, what to receive.

SEC. 1. There shall be appointed by the governor, by and with the advice and consent of the council, an attorney general, who shall hold his office for the term of two years or until he shall be removed by the governor.

Attorney General, how appointed.

SEC. 2. The attorney general shall appear in all suits for crime against the territory in any of the courts held therein, and also in the trial in argument of all causes and matters criminal or civil in the supreme court in which the territory is in any way interested, and shall also, when required by the governor or legislative assembly, appear for the territory in any other court or tribunal in any cause or matter, civil or criminal, in which the territory may be a party or interested.

Duties of attorney general.

SEC. 3. It shall also be the duty of the attorney general when required, to give his opinion upon all questions of law, submitted to him by the legislative assembly, or either branch thereof, or by the governor, auditor, treasurer, or superintendent of common schools, and shall also consult with and advise the district attorney of the several counties in this territory, whenever requested by them in all matters relating to the duties of their offices.

When to give written opinions.

SEC. 4. The attorney general in this territory shall have full power and authority to administer oaths in all cases where oaths are by law required to be made.

Attorney General may administer oaths.

SEC. 5. The attorney general shall receive an annual salary of two hundred and fifty dollars, payable quarterly out of the treasury of the territory.

Salary.

ARTICLE IV.

OF THE SUPERINTENDENT OF COMMON SCHOOLS.

SECTION

1. Superintendent of common schools, how appointed; to report annually to the legislative assembly.

SECTION

2. Duties of the superintendent of common schools.

Superintendent of common schools, how appointed.

To make report.

SEC. 1. There shall be a superintendent of common schools appointed by the governor, with the advice and consent of the council, who shall hold his office for the term of two years, and whose duty it shall be to prepare and submit an annual report to the legislature, containing:

1. A statement of the condition of the common schools of the territory.

2. Estimates on accounts of expenditures of the school moneys,

3. Plans for the improvement, management, and better organization of common schools.

4. All such matters relating to his office and to the common schools as he shall deem expedient to communicate.

Duties of superintendent of common schools.

SEC. 2. It shall be the duty of the superintendent of common schools to introduce and recommend to the schools, such text books as he shall deem best adapted to their wants, and to visit as many schools as practicable within the organized counties of the territory.

ARTICLE V.

OF THE DELEGATE TO CONGRESS.

SECTION

1. Delegate to congress, when to be elected.

SECTION

2. In case of vacancy, governor to call special election.

Delegate to congress, when elected.

SEC. 1. That at the general election in the year one thousand eight hundred and fifty-two, there shall be elected a delegate to serve in the congress of the United States, after the term of the present delegate shall have expired, and every two years thereafter a like election for delegate to congress shall take place.

In case of vacancy governor to call special election.

SEC. 2 That when any vacancy shall happen in the office of delegate to congress, from this territory, it shall be the duty of the governor to issue his proclamation, appointing a day to hold a special election to fill such vacancy.

ARTICLE VI.

OF NOTARIES PUBLIC.

SECTION

1. Notaries public, how appointed.
2. Oath of office and bond to be filed.
3. Records, when deposited with clerk of the court.
4. Notaries public, their duties when notes are protested by them.

SECTION

5. To serve notice on persons protested against.
6. To keep a record of notices, &c.
7. Duty of clerks of district courts.
8. Notary public to provide a seal.
9. May take acknowledgement of deeds.
10. Full credit to be given to their acts.

SEC. 1. The governor shall appoint in each of the organized counties in this territory, one or more notaries public, who shall be considered territorial officers, and shall hold their offices for the term of two years, unless sooner removed by the governor, and who shall have power to act, by virtue of their office, throughout the territory.

Notaries public, how appointed.

SEC. 2. Each and every notary public, before he enters on the duties of his office, shall take an oath to support the constitution of the United States, and for the faithful discharge of the duties of his said office, and shall give a bond to the governor with sufficient surety in the penal sum of five hundred dollars, conditioned for the discharge of the duties of his said office: *Provided*, That nothing in this article shall be construed to remove notaries public now in office.

Oath and bond.

SEC. 3. Whenever the office of any notary public shall become vacant, the records of said notary public, together with all the papers relating to the office, shall be deposited in the office of the clerk of the district court in the county in which the said notary public resides; and any notary public, who, on his resignation or removal from office, shall neglect to deposit such records and papers in the clerk's office as aforesaid for the space of three months, shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any executor or administrator of any deceased notary public shall neglect to lodge such records and papers, as aforesaid, which come into his hands in the clerk's office for the space of three months after the acceptance of that trust, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any person shall knowingly destroy, deface, or conceal any records or papers of any notary public, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars, and shall be moreover liable to an action for damages by the party injured.

Records, when deposited with clerk of the court.

SEC. 4. It shall be the duty of each and every notary public, when any bill of exchange, promissory note, or other written instrument, shall be by him protested for non-acceptance or non-payment, to give notice in writing thereof to the maker, and each and every endorser of a bill of exchange, and to the maker or makers of, and each and every security or endorser of any promissory note or other written instrument, immediately after such protest shall have been made.

Duties of.

SEC. 5. It shall be the duty of every notary public personally to serve the notice upon the person or persons protested against: *Provided*, He or they reside within two miles of the residence of such notary public; but if such person or persons reside more than two miles from such residence, the said notice may be forwarded by mail or other safe conveyance.

Duties of.

SEC. 6. Each and every notary public shall keep a record of all such notices, and of the time and manner in which the same shall have

To keep a record of notices, &c.

OF ELECTIONS.

been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested; which record shall at all times be competent evidence to prove such notices in any trial, before any court in this territory, where proof of such notice may become requisite.

Duty of clerks of district courts.

SEC. 7. It shall be the duty of the several clerks of the district courts to receive and keep safe, all the records and papers directed by this chapter to be deposited in their office, and give attested copies of any of said records or papers when required, and copies so given by the said clerk are hereby declared to be as valid as if the same had been given by the said notaries public. All forfeitures under this chapter shall be, one half to the use of this territory, and the other half to him or them who shall sue for the same; to be recovered in a civil action in any court having jurisdiction of the same in the county where such notary public shall reside.

Seal.

SEC. 8. Every notary public before he enters upon the duties of his office shall provide an official seal, and deposit an impression of the same together with said oath and bond in the office of the secretary of the territory.

May take acknowledgement of deeds.

SEC. 9. Notaries public shall have full power and authority to take acknowledgements of deeds, and to administer oaths in all cases where oaths are required by law to be made.

Full credit to be given to their acts.

SEC. 10. Full faith and credit shall be given to all the protestations, attestations and other instruments of publication of all notaries public now in office or hereafter to be appointed under the provisions of this chapter.

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CHAPTER 5.

OF ELECTIONS.

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SECTION

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2. Persons who are not qualified voters.
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