

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,
COMMISSIONERS.

PUBLISHED BY STATE AUTHORITY.

SAINT PAUL:
THE PIONEER PRINTING COMPANY.

1859.

MINNESOTA STATUTES 1858

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
ORDINANCE OF 1787.			
<i>Bail</i> , may be given in all cases except capital offenses, - - - - -	2		xvi
<i>Bills</i> , how passed, - - - - -			xvi
<i>Congress</i> , the territory subject to the laws of - - - - -	3		xvii
<i>Contracts</i> , laws interfering with, not to be made, - - - - -	2		xvii
<i>Council</i> , legislative, how appointed, - - - - -			xv
<i>Court</i> , how constituted, - - - - -			xiv
<i>Debts and expenses</i> of the United States, inhabitants to pay their proportion of, - - - - -	4		xvii
<i>Deeds</i> , how made, - - - - -			xiii
<i>Delegate</i> to congress, how chosen, - - - - -			xvi
<i>Dower</i> , right of, - - - - -			xiii
<i>Education</i> , to be encouraged, - - - - -	3		xvii
<i>Fines</i> , to be moderate, - - - - -	2		xvi
<i>General Assembly</i> , how constituted, - - - - -			xv
to appoint civil officers, - - - - -			xiv
<i>Governor</i> , how appointed, - - - - -			xiv
qualifications of, - - - - -			xiv
<i>Habeas corpus</i> , inhabitants entitled to benefit of writ of, - - - - -	2		xvi
<i>Indians</i> , good faith to be observed towards, - - - - -	3		xvii
<i>Inheritance</i> , rules of, - - - - -			xiii
<i>Judges</i> , how appointed, - - - - -			xiv
qualifications of, - - - - -			xiv
<i>Jury</i> , inhabitants entitled to benefit of trial by, - - - - -	2		xvi
<i>Laws</i> , how adopted, - - - - -			xiv
<i>Magistrates</i> , how appointed, - - - - -			xiv
<i>Militia</i> , officers of, how appointed, - - - - -			xiv
<i>Navigable waters</i> , shall be free, - - - - -	4		xvii
<i>New States</i> , how formed and bounded, - - - - -	5		xviii
<i>Non-residents</i> , not to be taxed higher than residents, - - - - -	4		xvii
<i>Oaths</i> of fidelity and office to be taken by officers, - - - - -			xvi
<i>Property</i> , private not to be taken for public use without compensation, - - - - -	2		xvii
personal, how transferred, - - - - -			xiv
<i>Public domain</i> , legislature not to interfere with disposal of, - - - - -	4		xvii
<i>Punishments</i> , cruel and unusual, not to be inflicted, - - - - -	2		xvi
<i>Religion</i> , freedom of secured, - - - - -	1		xvi
<i>Representatives</i> , how chosen, - - - - -			xv
<i>Secretary</i> , how appointed, - - - - -			xiv
qualifications and duties of, - - - - -			xiv
<i>Slavery</i> , not to exist in the territory, - - - - -	6		xviii
<i>Vacancies</i> in representation, how supplied, - - - - -			xv
<i>Wills</i> , how made, - - - - -			xiii
ACT OF CONGRESS, 1789.			
<i>Governor</i> , to make communication to President of United States, - - - - -	1		xix
in case of death, &c., of, secretary to exercise his powers, - - - - -	2		xix
<i>Officers</i> , of territory, to be appointed by President and Senate of United States, - - - - -	1		xix
<i>President</i> of United States, to commission officers, - - - - -	1		xix
<i>Secretary</i> , to exercise certain powers in case of death, &c., of governor, - - - - -	2		xix
CONSTITUTION OF THE UNITED STATES.			
<i>Acts</i> , records and judicial proceedings of each state, entitled to faith and credit in other states, - - - - -	4	1	xxviii
<i>Amendments</i> to the constitution, how made, - - - - -	5	1	xxix
<i>Appropriations</i> by law.—See <i>Treasury</i> , - - - - -	1	9	xxv
<i>Attainder</i> , bill of, prohibited, - - - - -	1	9	xxiv
<i>Attainder</i> , of treason, shall not work corruption of blood or forfeiture, except during the life of the person attainted, - - - - -	3	3	xxviii

MINNESOTA STATUTES 1858

882

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
<i>Bills</i> for raising revenue, shall originate in the house of representatives,	1	7	xxiii
<i>before</i> they become laws, shall be passed by both houses and <i>approved by the president</i> ; or, if <i>disapproved</i> , shall be passed by two-thirds of each house,	1	7	xxiii
not returned in ten days, unless an adjournment intervene, shall be considered as approved,	1	7	xxiii
<i>Capitation tax</i> .—See <i>Tax</i> ,	1	9	xxiv
<i>Census</i> , or enumeration, to be made every ten years,	1	2	xxi
<i>Claims</i> of the United States, or of the several States, not to be prejudiced by any construction of the constitution,	4	3	xxviii
<i>Citizens</i> of each state shall be entitled to the privileges and immunities of citizens in the several states,	4	2	xxiii
<i>Commerce</i> , regulations respecting, to be equal and uniform,	1	9	xxv
<i>Congress</i> , vested with legislative power,	1	1	xxi
may alter the regulations of state legislatures concerning elections of senators and representatives, except as to <i>place</i> of choosing senators,	1	4	xxii
shall assemble once every year,	1	4	xxii
may provide for cases of removal of president and vice-president,	2	1	xxvi
may determine the time of choosing electors of president and vice-president,	2	1	xvi
may invest the appointment of inferior officers in the president alone, in the courts of law or the heads of departments,	2	2	xxvii
may from time to time establish courts inferior to the supreme court,	3	1	xxvii
may (with one limitation) declare the punishment of treason,	3	3	xxviii
may prescribe the manner of proving the acts, records and judicial proceedings of each state,	4	1	xxviii
the assent of, required to the formation of a new state within the jurisdiction of any other, or by the junction of two or more,	4	3	xxviii
may propose amendments to the constitution, or, on application call a convention,	5	1	xxix
the assent of, required to the admission of new states into the union,	4	3	xxviii
to lay and collect duties on imposts and excises,	1	8	xxiii
to borrow money,	1	8	xxiii
to regulate commerce,	1	8	xxiii
to establish uniform laws of bankruptcy and naturalization,	1	8	xxiii
to coin money, regulate the value of coin, and fix the standard of weights and measures,	1	8	xxiii
to punish counterfeiting,	1	8	xxiv
to establish post-offices, and post-roads,	1	8	xxiv
to authorize patents to authors and inventors,	1	8	xxiv
to constitute tribunals <i>inferior</i> to the supreme court,	1	8	xxiv
to define and punish piracies, felonies on the high seas, and offenses against the laws of nations,	1	8	xxiv
to declare war, grant letters of marque, and make rules concerning captures,	1	8	xxiv
to raise and support armies,	1	8	xxiv
to provide and maintain a navy,	1	8	xxiv
to make rules for the government of the army and navy,	1	8	xxiv
to call for the militia in certain cases,	1	8	xxiv
to organize, arm, and discipline militia,	1	8	xxiv
to exercise exclusive legislation over ten miles square,	1	8	xxiv
to pass laws necessary to carry the enumerated powers into effect,	1	8	xxiv
to dispose of and make rules concerning the territory or other property of the United States,	4	3	xxviii
<i>Constitution</i> , formed by the people of the United States, <i>Preamble</i> ,	5	1	xx
how amended,	5	1	xxix
and the laws under it, and treaties, declared to be the supreme law, rendered operative by the ratification of the conventions of nine states,	6	1	xxix
7	1	xxix	
<i>Conventions</i> , for proposing amendments to constitution,	5	1	xxix
<i>Court</i> , supreme, its original and appellate jurisdiction,	3	2	xxvii
<i>Courts</i> , inferior to the supreme court, may be ordained by congress,	3	1	xxvii
<i>Crimes</i> , persons accused of, fleeing from justice, may be demanded,	4	2	xxviii
<i>Debts</i> , against the confederation to be valid against the United States under this constitution,	6	1	xxix
<i>Duties</i> , on exports prohibited,	1	9	xxv
on imports and exports imposed by state shall inure to the treasury of the United States,	1	10	xxv
<i>Elections</i> , of senators and representatives, shall be prescribed by the state legislatures, as to time, place and manner,	1	4	xxii
qualifications and returns of members of congress to be determined by each house,	1	5	xxii
<i>Electors</i> of president and vice-president, how chosen and their duties,	2	1	xxv
and 12th amendment,	2	1	xxvii
shall vote the same day throughout the United States,	2	1	xxvi
no senator or representative holding office under the United States shall serve as	2	1	xxv
<i>Enumeration</i> .—See <i>Census</i> ,	1	2	xxi

MINNESOTA STATUTES 1858

SPECIAL INDEX TO INTRODUCTION.

883

	Art.	Sec.	Page.
<i>Executive power</i> shall be vested in a president.—See <i>President</i> ,	2	1	xxv
<i>Exports</i> .—See <i>Tax</i> .			
and imports, duties are by states, to be payable into the treasury of the United States,	1	10	xxv
<i>Ex post facto law</i> , none shall be passed,	1	9	xxiv
<i>Habeas corpus</i> , writ of, can only be suspended in cases of rebellion or invasion,	1	9	xxiv
<i>House of Representatives</i> .—See <i>Representatives</i> .			
<i>House</i> .—See <i>Senate</i> .			
<i>Impeachment</i> , all civil officers liable to,	2	4	xxvii
persons found guilty by, liable to indictment and punishment for the offense,	1	3	xxii
<i>Importation of slaves</i> , until prohibited, a duty authorized on after 1808,	1	9	xxiv
<i>Judges</i> , shall hold their offices during good behavior,	3	1	xxvii
the compensation of, shall not be diminished during continuance in office,	3	1	xxvii
<i>Judicial power</i> , vested in a supreme court and courts inferior,	3	1	xxvii
the cases to which it extends,	3	2	xxvii
<i>Judicial proceedings</i> , records and acts of each state, are entitled to faith and credit in every other state,	4	1	xxviii
<i>Jury trial</i> shall be held in the state where the crime shall have been committed,	3	2	xxviii
if the crime have not been committed within a state, the trial shall be held at the place congress shall have directed,	3	2	xxviii
<i>Jury</i> , trial by, <i>secured</i> , in prosecutions for all crimes, except in cases of impeachment, and in suits at common law, where the value in controversy shall exceed twenty dollars, 7th amendment,	3	2	xxviii
<i>Law</i> , supreme, the constitution, the laws under it, and treaties declared to be,	6	1	xxxix
<i>Legislative powers</i> , vested in Congress.—See <i>Congress</i> ,	1	1	xxi
<i>Money</i> , shall be drawn from the treasury only by laws appropriating,	1	9	xxv
<i>Nobility</i> , titles of, shall not be granted by the United States,	1	9	xxv
<i>Officers</i> of the senate, except the president, shall be chosen by the senate,	1	3	xxii
civil, may be removed by impeachment,	2	4	xxvii
<i>Orders</i> of one house, requiring the concurrence of the other.—See <i>Resolution</i> ,	1	7	xxiii
<i>Persons</i> held to labor or service, their importation or emigration into the United States may be prohibited after 1808,	1	9	xxiv
escaping from one state into another shall be delivered up to those entitled to service,	4	2	xxviii
<i>Powers</i> not delegated are reserved to the people, or, when not prohibited to the states, 10th amendment,			xxxix
legislative.—See <i>Congress</i> ,	1	1	xxi
executive.—See <i>President</i> ,	2	1	xxv
judicial.—See <i>Judicial</i> ,	2	1	xxvii
<i>Presents</i> , emoluments, office, or title from a foreign king, prince, or state, to persons holding offices of profit or trust, prohibited,	1	9	xxv
<i>President of the United States</i> , vested with the executive power shall be chosen for four years,	2	1	xxv
how elected,	2	1	xxv
qualifications for,	2	1	xxvi
compensation of,	2	1	xxvi
shall take oath of office,	2	1	xxvi
may be removed by impeachment,	2	4	xxvii
<i>President of the United States</i> , powers of—			
shall be commander-in-chief of army and navy,	2	2	xxvi
may require the written opinions of the heads of departments,	2	2	xxvi
may reprieve and pardon,	2	2	xxvii
may make treaties, with consent of the senate,	2	2	xxvii
may appoint to office, with consent of the senate,	2	2	xxvii
shall fill up vacancies happening during the recess of the senate,	2	2	xxvii
<i>President of the United States</i> , duties of—			
shall give information to congress, and recommend measures,	2	3	xxvii
may convene both houses or either house,	2	3	xxvii
may adjourn them in case of disagreement,	2	3	xxvii
shall receive ambassadors and other public ministers,	2	3	xxvii
shall take care that the laws be faithfully executed,	2	3	xxvii
shall commission all officers of the United States,	2	3	xxvii
in case of death, etc., office devolve on the vice-president and on such other officer as may be provided by law,	2	1	xxvi
<i>Privileges</i> and immunities of citizens of states.—See <i>Citizens</i> .			
<i>Property</i> shall not be taken for public use without just compensation, 5th amendment,			xxxix
<i>Quorum</i> , what shall be for business,	1	5	xxii
of states, in choosing a president by the house of representatives,	2	1	xxvi
<i>Receipts</i> and expenditures, accounts of to be published,	1	9	xxv
<i>Records</i> .—See <i>Judicial Proceedings</i> ,	4	1	xxviii
<i>Representatives</i> , house of, composed of members chosen every second year,	1	2	xxi
qualifications of the electors of its members,	1	2	xxi
qualifications of members,	1	2	xxi
shall not exceed one for 30,000,	1	2	xxi
shall choose their speaker and other officers,	1	2	xxi

MINNESOTA STATUTES 1858

	Art.	Sec.	Page.
<i>Representatives, house of</i> , shall have the power of impeachment, - - - - -	1	2	xxi
shall be the judge of the returns, elections and qualifications of its mem- bers, - - - - -	1	5	xxii
what shall be a quorum of, - - - - -	1	5	xxii
any number may adjourn, and compel the attendance of absentees, - -	1	5	xxii
may determine the rules of proceeding, - - - - -	1	5	xxii
may punish or expel a member, - - - - -	1	5	xxii
shall keep a journal, and publish the same, except the parts requiring secrecy, - - - - -	1	5	xxii
shall not adjourn for more than three days, nor to any other place, with- out the consent of the senate, - - - - -	1	5	xxii
one-fifth of present may require the yeas and nays, - - - - -	1	5	xxii
shall originate bills for raising revenue, - - - - -	1	7	xxiii
shall receive a compensation, to be ascertained by law, - - - - -	1	6	xxii
privileged from arrest during attendance, and in going and returning, except in certain cases, - - - - -	1	6	xxii
shall not be questioned elsewhere for any speech or debate in the house, shall not be appointed to the offices created, or whose compensations shall have been increased, during the time for which they are elected, can, while serving, hold no office under the United States, - - - - -	1	6	xxiii
shall not serve as primary electors of president, - - - - -	2	1	xxv
<i>Representatives</i> and direct taxes apportioned according to numbers, - - - - -	1	2	xxi
<i>Representation</i> of a state, vacancies in, supplied until a new election by the execu- tive authority thereof, - - - - -	1	2	xxi
<i>Resolution</i> , order, or vote, requiring the concurrence of both houses, [except for an adjournment,] shall be presented to the president, and undergo the for- malities of bills, - - - - -	1	7	xxiii
<i>Revenue</i> , See <i>Vessels</i> .			
<i>Rights of the Citizen</i> declared to be—			
liberty of conscience in matters of religion. - - - - - <i>Amendment</i> ,	1		xxx
freedom of speech and of the press, - - - - -	1		xxx
to assemble and petition, - - - - -	1		xxx
to keep and bear arms, - - - - -	2		xxx
to be exempt from the quartering of soldiers in any house, in time of peace, without the consent of the owner; and in time of war, unless prescribed by law, - - - - -	3		xxx
to be secure from unreasonable searches and seizures, - - - - -	4		xxxii
to be free, except in the army, navy and militia, from answering for a capital or otherwise infamous crime, unless on presentment or indict- ment of a grand jury, - - - - -	5		xxxii
not to be jeopardized twice for the same offense, - - - - -	5		xxxii
not to be compelled in criminal cases to be a witness against himself, - -	5		xxxii
not to be deprived of life, liberty, or property, without due course of law, private property shall not be taken for public use, without just compen- sation, - - - - -	5		xxxii
that the accused, in criminal prosecution, shall enjoy the right of a speedy public trial by an impartial jury of the vicinage; and the means necessary for his defense, - - - - -	6		xxxii
that in civil cases, facts tried by a jury shall only be re-examined accord- ing to the rules of the common law, - - - - -	7		xxxii
that in suits at common law, where the value shall exceed twenty dollars, the right of trial by jury shall be preserved, - - - - -	7		xxxii
that excessive bail shall not be required, excessive fines imposed, nor cruel or unusual punishments inflicted, - - - - -	8		xxxii
that the enumeration of certain rights shall not operate constructively against the retained rights, - - - - -	9		xxxii
<i>Rules</i> , each house shall determine its own, - - - - -	1	5	xxii
<i>Senate of the United States</i> , composed of two senators from each state, - - -	1	3	xxi
how chosen, classed, and terms of service, - - - - -	1	3	xxi
qualifications of members, thirty years of age, nine years a citizen, and an inhabitant of the state, - - - - -	1	3	xxi
shall choose their officers, except the president, - - - - -	1	3	xxii
shall be the judge of the elections, returns, and qualifications of its members, - - - - -	1	5	xxii
what number shall be a quorum, - - - - -	1	5	xxii
any number may adjourn, and compel attendance of absentees, - - - - -	1	5	xxii
may determine its rules, - - - - -	1	5	xxii
may punish or expel a member, - - - - -	1	5	xxii
shall keep a journal, and publish the same, except parts requiring secrecy, - - - - -	1	5	xxii
shall not adjourn for more than three days, nor to any other place, with- out the consent of the other house, - - - - -	1	5	xxii
one-fifth of present may require the yeas and nays, - - - - -	1	5	xxii
may propose amendments to bills for raising revenue, - - - - -	1	7	xxiii
shall try impeachments, - - - - -	1	3	xxii
their judgments only to extend to removal from office, and to disqualify for any other, - - - - -	1	3	xxii

	Art.	Sec.	Page.
<i>Senate of the United States</i> , members shall receive a compensation to be ascertained by law,	1	6	xxii
privileged from arrest,	1	6	xxii
shall not be questioned elsewhere for any speech or debate in the house,	1	6	xxiii
shall not be appointed to offices of the United States, created, or whose emoluments shall have been increased, during the terms for which they were elected,	1	6	xxiii
<i>Senators and Representatives</i> , elections of, how prescribed,	1	4	xxii
<i>Senator</i> shall not be an elector of President,	2	1	xxv
<i>Slaves</i> .—See <i>Persons</i> held to service.			
<i>Speaker</i> , how chosen,	1	2	xxi
<i>States prohibited from</i> —			
entering into any treaty, alliance, or confederation,	1	10	xxv
granting letters of marque,	1	10	xxv
coining money,	1	10	xxv
emitting bills of credit,	1	10	xxv
making anything a tender but gold and silver coin,	1	10	xxv
passing bills of attainder, ex post facto laws, or laws impairing contracts,	1	10	xxv
granting titles of nobility,	1	10	xxv
laying impost, or duties on imports and exports for their own use,	1	10	xxv
laying duties on tonnage without the consent of congress,	1	10	xxv
keeping troops or ships of war in time of peace,	1	10	xxv
entering into any contract or agreement with another state, or a foreign power,	1	10	xxv
engaging in war, unless invaded, or in imminent danger,	1	10	xxv
<i>States, new</i> , may be admitted into the Union,	4	8	xxviii
may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of congress and the legislatures concerned,	4	8	xxviii
<i>States, Judges of</i> , bound to consider the treaties, the constitution, and the laws under it, as supreme,	6	1	xxix
<i>States</i> , majority of <i>all</i> , necessary to the choice of president,	2	1	xxvi
<i>State</i> , each to be guaranteed a republican form of government; protected against invasion; and secured upon application against domestic violence,	4	4	xxviii
<i>Tax</i> , capitation or direct, shall be laid only in proportion to census,	1	9	xxiv
<i>Tax</i> , on exports from a state, prohibited,	1	9	xxv
<i>Taxes</i> , direct, shall be apportioned according to representation,	1	2	xxi
<i>Territory</i> , or property belonging to the United States, congress may make rules concerning,	4	3	xxviii
<i>Test</i> , religious, shall not be required,	6	1	xxix
<i>Titles</i> . See <i>Nobility</i> ,	1	9	xxv
<i>Title</i> from foreign state.—See <i>Presents</i> ,	1	9	xxv
<i>Treason</i> defined,	3	3	xxviii
two witnesses, or confession, necessary for conviction,	3	3	xxviii
punishment of, may be prescribed by congress, with one limitation,	3	3	xxviii
<i>Treason</i> , or other crime, persons charged with in one state, fleeing into another, shall on demand be delivered up,	4	2	xxviii
<i>Treasury</i> , money drawn from only by appropriation,	1	9	xxv
<i>Treaties</i> , the supreme law,	6	1	xxix
<i>Vacancies</i> happening during recess of the senate, may be filled temporarily by the president,	2	2	xxvii
in representation in congress, how filled,	1	2	xxi
<i>Vessels</i> to enter, clear, and pay duties in the <i>states</i> in which they arrive, or from which they depart,	1	9	xxvi
<i>Vice-president of the United States</i> —			
to be president of the senate, except when exercising the office of president of the United States,	1	3	xxii
how elected,	2	1	xxv
qualifications for,—12th amendment,			xxxii
shall in certain cases discharge the duties of president,	2	1	xxvi
may be removed by impeachment,	2	4	xxvii
<i>Vote</i> of one house, requiring the concurrence of the other,	1	7	xxiii
<i>Warrants</i> for searches and seizures, when and how they shall issue.—4th amendment,			xxx
<i>Witness</i> , in criminal cases, no one compelled to be against himself.—5th amendment,			xxxii
ORGANIC ACT OF MINNESOTA.			
<i>Actions</i> pending, transfer of,	15		xxxix
<i>Appeals</i> , how allowed,	9		xxxvii
<i>Apportionment</i> , for legislative elections,	4		xxxv
<i>Appropriations</i> for contingent expenses,	11		xxxviii
<i>Associate justices</i> , appointed,	11		xxxvii
<i>Attorney of territory</i> , term, fees, &c.,	10		xxxvii
appointment of,	10		xxxvii
<i>Bills of exception</i> , how allowed,	9		xxxvii
<i>Boundaries</i> of territory,	1		xxxiii
<i>Census</i> , to be before first election,	4		xxxv

MINNESOTA STATUTES 1858

886

SPECIAL INDEX TO INTRODUCTION.

	Sec.	Page.
<i>Chief justice,</i>	9	xxxvi
appointment of,	11	xxxvii
oath, salary,	11	xxxvi
<i>Citizens of United States; no other to vote; exception,</i>	5	xxxv
<i>Clerk of district court, appointed, duties,</i>	9	xxxvi
<i>Clerk of supreme court, appointed, duties, fees,</i>	9	xxxvii
<i>Constables, to continue in office,</i>	16	xxxix
<i>Council, organization, &c.,</i>	4	xxxiv
<i>County officers, appointed,</i>	7	xxxvi
<i>Crimes, what may be prosecuted, &c.,</i>	15	xxxix
<i>Delegate to congress, election, &c.,</i>	14	xxxix
<i>District courts, organization, jurisdiction, &c.,</i>	9	xxxvi
clerks of, to be register in chancery,	9	xxxvi
<i>District officers, when governor and council to appoint,</i>	7	xxxvi
<i>Elections, to legislature,</i>	4	xxxv
who may vote at,	5	xxxv
to congress, provided for,	14	xxxix
<i>Governor, office, powers, &c.,</i>	2	xxxiv
order new election to legislature if tie,	4	xxxv
when appoint town, county, &c., officers,	7	xxxvi
appointment, oath, salary,	11	xxxvii
appoint seat of government,	13	xxxvi
lay out judicial districts and assign judges,	19	xl
<i>House of representatives.—See representatives.</i>		
<i>Indians, governor superintendent of,</i>	2	xxxiv
<i>Judicial districts, governor to define, &c.,</i>		
<i>Judicial organization,</i>	9	xxxvi
<i>Jurisdiction of courts, &c.,</i>	9	xxxvi
<i>Justice. See chief justices; associate justices.</i>		
<i>Justices of the peace; to exist;</i>	9	xxxvi
jurisdiction of,	9	xxxvi
authority to continue,	16	xxxix
<i>Laws, enacted and approved, how,</i>	20	xl
of Minnesota, to be those of Wisconsin,	12	xxxviii
<i>Legislature, constitution, election, &c., of,</i>	4	xxxiv
extent of powers of,	6	xxxvi
what office members not to hold; who not to be member,	8	xxxvi
compensation of members,	11	xxxvii
first session where,	13	xxxviii
how to pass laws,	20	xl
<i>Library for government,</i>	17	xxxix
<i>Marshal, term, duties, compensation,</i>	10	xxxvii
appointment, oath,	11	xxxvii
<i>Obligations, how to continue in force,</i>	15	xxxix
<i>Penalties, &c., how to continue to be recovered,</i>	15	xxxix
<i>President of United States, what officers to appoint,</i>	11	xxxviii
<i>Probate courts, to exist; jurisdiction,</i>	9	xxxvi
<i>Qualifications for legislature,</i>	4	xxxiv
of voters,	5	xxxv
<i>Register in chancery, district clerk court to be,</i>	9	xxxvi
<i>Representatives, house of; constitution of; election to,</i>	4	xxxiv
<i>Salaries of officers,</i>	12	xxxviii
<i>Schools, lands reserved for,</i>	18	xl
<i>Secretary of territory; duties, &c.,</i>	3	xxxiv
appointment, &c., of,	11	xxxvii
<i>Sheriffs, to continue in office,</i>	16	xxxix
<i>Superintendent of Indian affairs,</i>	2	xxxiv
<i>Supreme court, constitution, &c., of,</i>	9	xxxvi
appointment of judges, oaths, &c.,	11	xxxvii
salary of judges,	11	xxxviii
<i>Tie in vote for legislature, proceedings,</i>	4	xxxv
<i>Township officers, appointment,</i>	7	xxxvi
<i>United States, officer of, not to be member of legislature,</i>	8	xxxvi
laws of, extended over territory,	12	xxxviii
delegate to congress of,	14	xxxix
<i>Voter, qualifications of,</i>	5	xxxv
<i>Wisconsin, laws and constitution of adopted,</i>	12	xxxviii
<i>Writs of error, &c., how taken,</i>	9	xxxvii
ACT AUTHORIZING A STATE GOVERNMENT.		
<i>Boundaries of state,</i>	1	xli
<i>Census taken if government formed,</i>	4	xlii
<i>Constitution authorized,</i>	1	xli
<i>Convention on constitution, how called, &c.,</i>	3	xlii
propositions for action by same,	5	xlii
<i>Government, authorized,</i>	1	xli
<i>Governor, proposed to select lands for university and public buildings,</i>	5	xlii

MINNESOTA STATUTES 1858

SPECIAL INDEX TO INTRODUCTION.

687

	Sec.	Page.
<i>Governor</i> to select salt-springs for state,	5	xliii
<i>Internal improvements</i> , appropriation for,	5	xliii
<i>Jurisdiction of state</i> on Mississippi, &c.,	2	xli
<i>Lands</i> .—See <i>Public Lands</i> .		
<i>Minnesota</i> .—See <i>State</i> .		
<i>Public buildings</i> , lands proposed for,	5	xliii
<i>Public lands</i> , for schools,	5	xlii
for state university,	5	xliv
for public buildings,	5	xliii
for state purposes,	5	xliii
for public roads and internal improvements,	5	xliii
<i>Representatives in congress</i> , provision for,	4	xlii
<i>Salt-springs</i> to be for use of state,	5	xliii
<i>Schools</i> , public lands for,	5	xlii
<i>State government</i> , authorized,	1	xli
<i>University</i> , public land for,	5	xlii
CONVENTION ACT OF LEGISLATIVE ASSEMBLY.		
<i>Compensation</i> of convention, appropriation for,	3	xliv
rate of,	4	xliv
certified how,	5	xliv
<i>Convention</i> to form constitution and state government,	1	xliv
delegates to, chosen by ballot,	1	xliv
how many,	2	xliv
<i>Election</i> of delegates to convention,	1	xliv
<i>Presiding officer</i> , pay of,	4	xliv
to certify for compensation,	5	xliv
<i>Qualifications</i> of delegates,	6	xliv
<i>Secretary</i> to attest certificates of compensation, &c.,	5	xliv
CONSTITUTION OF THE STATE OF MINNESOTA.		
<i>Absence</i> , when not to affect residence for purpose of voting,	7	3
<i>Actions</i> , penal and civil, on bonds, recognizances, forfeiture, &c., to vest in the state,	4	lxii
SCHEDULE	6	lxii
<i>Adjournment</i> , power of each house on	4	lxix
bills not to be passed on day of	4	22
<i>Allodial</i> , all lands declared to be	1	15
<i>Amendments to Constitution</i> , mode of making	14	1
mode of revising same,	14	2
<i>Appointments</i> , state librarian, notaries public, commissioners, &c., how made,	5	4
to fill vacancies in offices,	5	4
of reporter of supreme court, and vacancy in office of clerk of same,	6	2
<i>Apportionment</i> , for legislative and congressional purposes, when to be made,	4	23
for congressional, at first election,	9	lxiii
for legislative, at first election,	12	lxiv
SCHEDULE	14	lxv
<i>Army</i> , standing, in time of peace, prohibited,	1	14
<i>Attainder</i> , bill of prohibited,	1	11
<i>Attorney General</i> , an executive officer, how chosen,	5	1
term of office, salary of first term,	5	5
<i>Auditor of State</i> , an executive officer, how chosen,	5	1
term of office, salary of first term,	5	5
<i>Bail</i> , shall not be excessive,	1	5
all persons entitled to, exception,	1	7
<i>Ballot</i> , all elections to be by, exception,	7	6
<i>Banks</i> , property of, how taxed,	9	4
public funds not to be deposited in	9	12
law for chartering may be enacted, with certain restrictions,	9	13
<i>Bills</i> , rules regulating passage of	4	20
to be signed by presiding officer of each house,	4	21
penalty of refusal to sign	4	21
how certified to governor in such case,	4	21
not to be passed on day of adjournment, construction of this rule,	4	22
<i>Bonds of State</i> . See <i>State Debt</i> ,		
<i>Boundary of State</i> , how defined,	2	1
<i>Bribery</i> , disqualification of persons convicted of	4	15
<i>Census</i> , to be taken in 1865, and every ten years thereafter,	4	23
<i>Church</i> , not to be supported by state,	1	16
property of not exempt from taxation,	9	3
<i>Citizens</i> , rights of (see <i>elective franchise</i>)	15	3
<i>Cities</i> , when may be organized as counties,	11	2
<i>Clerk, of supreme court</i> , how elected, term of office, vacancy in,	6	2
of probate court,	6	7
of district court,	6	13
<i>Commissioners of deeds</i> , how appointed,	5	4
<i>Congress</i> , members, three to be elected, state one district,	9	lxiii
SCHEDULE	14	1
<i>Constitution</i> , mode of amending	14	2
mode of revising	14	2

MINNESOTA STATUTES 1858

888

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
<i>Constitution</i> , to be deposited in office of governor, - - - - - SCHEDULE		8	lxiii
a certified copy to be sent to the president of the United States, if adopted, - - - - - SCHEDULE		8	lxiii
shall be submitted to vote of people, - - - - - SCHEDULE		16	lxv
mode of voting on - - - - - SCHEDULE		18	lxv
effect of if adopted, - - - - - SCHEDULE		18	lxv
effect of if not adopted, - - - - - SCHEDULE		22	lxvi
<i>Contracts</i> , obligations of not to be impaired, - - - - -	1	11	xlvii
<i>Corporations</i> , definition of, rights and privileges of - - - - -	10	1	lix
restrictions, exception, - - - - -	10	2	lx
liability of stockholders in - - - - -	10	3	lx
how lands may be taken for use of - - - - -	10	4	lx
duties as common carriers, - - - - -	10	4	lx
<i>Courts</i> , (see <i>supreme, district and probate courts</i>) pleading and proceedings in - - - - -	6	14	lv
successors of territorial courts, - - - - - SCHEDULE		11	4
<i>Court commissioner</i> , jurisdiction, who may be - - - - -	6	15	lv
<i>Counties</i> , provisions for forming and changing, seats of justice in, &c., - - - - -	11	1	lx
cities may be organized as counties, - - - - -	11	2	lx
election of officers, - - - - -	11	4	lx
powers of local taxation, - - - - -	11	5	lx
how money may be drawn from treasury, - - - - -	11	6	lx
territory west of state line, - - - - - SCHEDULE		11	lxiv
<i>Crimes</i> , rights of persons charged with - - - - -	1	6	xliv
same subject, - - - - -	1	7	xlvi
conviction of, not to work corruption of blood or forfeiture of estate, - - - - -	1	12	xlvi
disqualification of persons convicted of certain - - - - -	4	15	l
same subject, - - - - -	7	2	lvi
<i>Debt</i> , imprisonment for prohibited, except for fraud in contracting same, - - - - -	1	12	xlvi
of state, limits of, manner of contracting, &c., - - - - -	9	5	lviii
<i>District courts</i> , how composed, number of judges, how chosen, term of office, - - - - -	6	4	liv
jurisdiction, &c., - - - - -	6	5	liv
qualification of judges, compensation not to be diminished, - - - - -	6	6	liv
judges ineligible to other offices, votes cast for void; exception, - - - - -	6	11	lv
change of district not to vacate office of judge, - - - - -	6	12	lv
clerk of elective, &c., - - - - -	6	13	lv
<i>Districts</i> , for congressional purposes, - - - - - SCHEDULE		9	lxiii
for legislative purposes, - - - - - SCHEDULE		10	lxiii
twenty-second district, vote of, where and by whom to be canvassed, - - - - -		13	lxv
for judicial purposes, - - - - - SCHEDULE		14	lxv
each judicial may elect a prosecuting attorney, - - - - - SCHEDULE		15	lxv
<i>Divorces</i> , legislature prohibited from granting, - - - - -	4	28	li
<i>Education</i> . See <i>School fund</i> .			
<i>Election</i> , to fill vacancy in legislature, - - - - -	4	17	l
contested, - - - - -	4	17	l
by legislature, to be <i>via voce</i> , &c., - - - - -	4	30	lii
of executive officers, to whom returns made, and by whom canvassed, &c., - - - - -		2	lii
on day of, arrests in civil cases prohibited, - - - - -	7	5	lvi
all to be by ballot, exception, - - - - -	7	6	lvi
laws of continued in force, - - - - - SCHEDULE		7	lxiii
<i>Election</i> , when held for voting on constitution and election of state officers, - - - - -		16	lxv
manner of conducting, returns how made, precincts of, exception, - - - - -		19	lxvi
duties of officers of, - - - - - SCHEDULE		20	lxvi
provisions relating to returns of the first election, who to canvass votes for officers at large, - - - - - SCHEDULE		21	lxvi
<i>Electors</i> , qualifications of, four classes, - - - - -	7	1	lv
persons disqualified from being, - - - - -	7	2	lvi
residence of not affected by absence, - - - - -	7	3	lvi
privileged from arrest, - - - - -	7	5	lvi
who may vote at first election, - - - - - SCHEDULE		17	lxv
<i>Embezzlement</i> , of public funds, what constitutes, declared a felony, - - - - -	9	12	lix
<i>Enabling act</i> , accepted, etc., - - - - -	2	3	xlviii
<i>Executive department</i> , of what offices composed and how chosen, - - - - -	5	1	lii
terms of office when to commence and end, - - - - -	5	7	liii
members of to take oath of office, - - - - -	5	8	liii
<i>Exemption</i> , of property from sale, a certain amount to be determined by law, - - - - -	1	12	xlvi
<i>Ex post facto laws</i> , prohibited, - - - - -	1	12	xlvi
<i>Fines</i> , excessive shall not be imposed, - - - - -	1	5	xlv
accruing to territory, to inure to state, - - - - - SCHEDULE		3	lxvii
<i>Government</i> , object of, - - - - -	1	1	xlv
distribution of powers of government; prohibition, - - - - -	3	1	xlviii
<i>Governor</i> , head of executive department, - - - - -	3	1	xlviii
to approve all laws, - - - - -	4	11	xlix
to issue writs of election to fill vacancies in legislature, - - - - -	4	17	l

MINNESOTA STATUTES 1858

SPECIAL INDEX TO INTRODUCTION.

889

	Art.	Sec.	Page.	
<i>Governor</i> , to be chosen by electors of state,	5	1	lii	
		3	lii	
	term of office and qualifications of,	5	4	lii
	to communicate by message to legislature at each session the condition of the state, etc.,	5	4	lii
	shall be commander-in-chief of, and call out militia, etc.,	5	4	lii
	may require opinion of other executive officers on subjects relating to their department,	5	4	lii
	may grant reprieves and pardons, exception,	5	4	lii
	with senate, may appoint state librarian and notaries public,	5	4	lii
	may appoint commissioners of deeds,	5	4	lii
	has negative on laws,	5	4	lii
	may convene legislature,	5	4	lii
	shall see that the laws are executed,	5	4	lii
	may appoint to vacancies in certain offices,	5	4	lii
	salary of first term,	5	5	lii
	vacancy in office, office to devolve on lieut. governor,	5	6	liiii
to appoint to fill vacancy in office of any judge,	6	10	lv	
<i>Habeas corpus</i> , shall not be suspended, exception,	1	7	xlvi	
<i>Historical society of Minnesota</i> . See <i>Seat of Government</i> .				
<i>Impeachment</i> , house of representatives has sole power of,	4	14	1	
		14.	1	
	shall be tried by senate,	13	1	lxi
	who liable to,	13	1	lxi
	extent of judgment on,	13	1	lxi
	liability to other punishment,	13	3	lxi
	person impeached forbidden to exercise duties of office before acquittal, of governor, lieutenant-governor not to sit on trial,	13	4	lxi
	copy of to be served on person before trial,	13	5	lxi
	<i>Judiciary department</i> , powers vested in certain courts, (see <i>Courts</i>)	6	1	liiii
	<i>Judges</i> , other than those provided for in this constitution, how elected, term of office,	6	9	lv
vacancy in office of, to be filled by appointment by governor,	6	10	lv	
<i>Judicial districts</i> , six created,	6	4	lv	
		12	lv	
<i>Jurisdiction of state</i> , concurrent on waters forming common boundary,	2	2	xlvi	
<i>Jury</i> , rights of trial by secured, but may be waived,	1	4	xlv	
<i>Jury</i> , no trial by in supreme court,	6	2	liii	
<i>Justices of the Peace</i> , number to be elected in each county, term of office, compensation, jurisdiction,—prohibition,	6	8	liv	
		7	lv	
<i>Judge of Probate</i> , election of, term of office, jurisdiction, powers and duties, may be court commissioner,	6	15	lv	
<i>Lands</i> , all allodial, feudal tenures prohibited,	1	15	xlvi	
		15	xlvi	
leases of agricultural, in certain cases void,	10	4	lx	
of individuals, how taken for use of corporations,				
<i>Laws,—ex post facto</i> , impairing the obligations of contracts, and bills of attainder, prohibited,	1	11	xlvi	
	must be approved by governor,	4	11	xlvi
	how passed over governor's veto,	4	11	xlvi
	how bills to become laws without approval of governor,	4	11	xlvi
	style of,	4	13	l
	must be passed by majority elected to both houses,	4	13	l
	each law to embrace but one subject, expressed in title,	4	27	li
	to organize executive department,	5	9	liii
	receipts and expenditures to be published with laws,	9	11	lviii
	shall be passed for safe keeping of public moneys,	9	12	lix
	of territory, to remain in force if not inconsistent with constitution,			
	SCHEDULE	2		lxii
	SCHEDULE	7		lxiii
	<i>Legislative Department</i> , to consist of senate and house of representatives,	4	1	xlvi
		to meet at seat of government, times of meeting to be prescribed by law,	4	2
number of members prescribed by law,		4	2	xlvi
apportionment and ratio of representation,		4	2	xlvi
each house to judge of election returns and eligibility of its own members,		4	3	xlvi
a quorum to do business,		4	3	xlvi
each house to determine its rules,		4	4	xlvi
punishment and expulsion of members,		4	4	xlvi
each house to elect its own officers (except president of senate), and to keep and publish a journal, on which yeas and nays (when taken) shall be entered,		4	5	xlvi
neither house to adjourn for more than three days without consent of other, etc.,		4	6	xlvi
pay of members not to be increased, etc.,		4	7	xlvi
members of, privileged from arrest, exception,		4	8	xlvi
members of, to hold no other office except as postmaster,		4	9	xlvi
revenue bills to originate in house,		4	10	xlvi
of governor's veto, etc.,		4	11	xlvi
further provisions relating to veto power,	4	12	1	
all money to be appropriated by bill,	4	12	1	

MINNESOTA STATUTES 1858

890

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
<i>Legislative Department</i> , style of laws, how passed, - - - - -	4	13	1
vacancies how filled, contested seats, - - - - -	4	17	1
disorderly persons not members, how punished, - - - - -	4	18	1
sessions of each house to be open except when secrecy requires, - - - - -	4	19	1
bills to be read on three different days in each house, and twice at length, before passage, - - - - -	4	20	1
of the signing of bills by presiding officer of each house, penalty for refusal to sign, - - - - -	4	21	1
bills not to be passed on day fixed for adjournment, - - - - -	4	22	li
qualification of members, - - - - -	4	25	li
to elect United States senators, - - - - -	4	26	li
to take oath of office, - - - - -	4	29	li
all elections by, to be <i>viva voce</i> , - - - - -	4	30	li
first session, when held, - - - - -	6	lxiii	SCHEDULE
<i>Librarian of State</i> , how appointed, - - - - -	5	4	lii
<i>Lieutenant Governor</i> , an executive officer, when and how elected, - - - - -	5	1	lii
term of office, qualifications, - - - - -	5	3	lii
<i>Ex-officio</i> president of senate, when to act as governor, - - - - -	5	6	liii
<i>Lieutenant Governor</i> , compensation of, when office vacated how filled, not to sit on trial of impeachment of governor, - - - - -	5	6	liii
<i>Lotteries</i> , legislature not to authorize, - - - - -	13	4	lxi
<i>Militia</i> , legislature shall pass laws to organize, - - - - -	4	31	lii
<i>Military</i> , shall be subordinate to civil power, - - - - -	12	1	lx
<i>Municipal Corporations</i> , how created, - - - - -	1	14	xlvi
<i>Money</i> , shall only be appropriated by bill, - - - - -	10	2	lx
shall be specifically applied, - - - - -	4	12	l
not to be paid out except appropriated by law, - - - - -	9	8	lviii
statement of receipts and expenditures to be published annually, - - - - -	9	9	lviii
public, not to be exchanged for other funds, or deposited in bank, (see <i>Embezzlement</i>), - - - - -	9	11	lviii
paid out by authority of law, - - - - -	9	12	lix
<i>Navigable Waters</i> , free, - - - - -	11	6	lx
<i>Name of State</i> , - - - - -	2	5	xlvii
<i>Notaries Public</i> , how appointed, - - - - -	2	1	xlvii
<i>Oath</i> , form of, for members and officers of legislature, - - - - -	5	4	lii
form of, for other public officers, - - - - -	4	29	li
at elections, to be uniform, etc., - - - - -	5	8	liii
<i>Office</i> , all electors eligible to, exception, - - - - -	15	3	lxii
cause of removal from, - - - - -	7	7	lvi
same subject, - - - - -	13	1	lxi
duties of, not to be exercised after impeachment before acquittal, - - - - -	13	2	lxi
<i>Perjury</i> , disqualification of persons convicted of, - - - - -	13	3	lxi
<i>Power</i> , political, inherent in people, - - - - -	4	15	l
<i>President pro tem. of Senate</i> , when to act as lieutenant governor, - - - - -	1	1	xlv
<i>Press</i> , liberty of, secured, - - - - -	5	6	liii
<i>Pleadings</i> , in the courts, to be under the direction of legislature, - - - - -	1	3	xlv
<i>Probate Court</i> , to be established in each organized county, to be a court of record, - - - - -	6	14	lv
judge of, clerk of, how chosen, - - - - -	6	7	liv
jurisdiction of, - - - - -	6	7	liv
judge of, may be court commissioner, - - - - -	6	15	lv
<i>Process</i> , style of, - - - - -	6	14	lv
<i>Property</i> , of persons, not to be taken for public use without compensation, - - - - -	1	13	xlvi
same, compensation made if taken by corporations, - - - - -	10	4	lx
of territory, to vest in state, - - - - -	4	4	lxiii
<i>Protest</i> , right of, secured to members of legislature, - - - - -	SCHEDULE	4	16
<i>Prosecuting Attorney</i> , each judicial district may elect one, - - - - -	SCHEDULE	4	15
<i>Punishment</i> , not to be cruel or unusual, - - - - -	1	5	xlv
no person to be put in jeopardy twice for the same offense, - - - - -	1	7	xlvi
of disorderly persons in session of legislature, - - - - -	4	18	l
<i>Quorum</i> , a majority of each house of legislature constituted, - - - - -	4	3	xlviii
power of a less number, - - - - -	4	3	xlviii
<i>Religion</i> , freedom of, secured, - - - - -	1	16	xlvii
licentiousness in, not allowed, - - - - -	1	16	xlvii
not a test, as a qualification for office or of an elector, - - - - -	1	17	xlvii
opinion on, not to disqualify any person as a witness, - - - - -	1	17	xlvii
property of societies of exempt from taxation, - - - - -	9	3	lvii
<i>Reporter of Supreme Court</i> , by whom appointed, - - - - -	6	2	liii
<i>Representation</i> , how apportioned, ratio of, - - - - -	4	2	xlviii
<i>Representatives</i> , (see <i>Legislative Department</i>) how chosen, term of office, - - - - -	4	24	li
<i>Residence</i> , for purpose of voting, what not to effect, - - - - -	7	3	lvi
Who do not acquire, - - - - -	7	4	lvi
<i>Revenue</i> , bills shall originate in house, but senate may amend, - - - - -	4	10	xliv
<i>Rights</i> , political, secured, - - - - -	1	1	xlv
natural, secured, - - - - -	1	2	xlv
to property, character, etc., - - - - -	1	8	xlvi
unreasonable searches and seizures prohibited, - - - - -	1	10	xlvi
enumeration of, not to impair others retained by the people, - - - - -	1	16	xlvii

MINNESOTA STATUTES 1858

SPECIAL INDEX TO INTRODUCTION.

891

	Art.	Sec.	Page.
<i>Rights</i> , existing, not to be affected, - - - - -	1		lxii
<i>Salaries</i> , of members of legislature, - - - - -	4	7	xliv
of executive officers, - - - - -	5	5	lii
<i>Salaries</i> , of lieutenant governor, - - - - -	5	6	liii
of judges of supreme and district courts, not to be diminished, - - - - -	6	6	liv
of probate judges, - - - - -	6	7	liv
of clerk of district court, - - - - -	6	13	lv
of justices of the peace, - - - - -	6	8	liv
<i>Seal of State</i> , provisions relating to, - - - - -	15	4	lxvii
<i>Seal of Government</i> , provisions relating to, - - - - -	15	1	lxvii
<i>Senators</i> , (see <i>Legislative Department</i>) how chosen, term of office, etc., - - - - -	4	24	li
of United States, how chosen, - - - - -	4	26	li
<i>Secretary of State</i> , an executive officer, how chosen, - - - - -	5	1	lii
term of office, salary, - - - - -	5	5	lii
<i>Schools, etc.</i> , duty of legislature to establish, - - - - -	8	1	lvi
of lands for use of, and concerning the school fund, - - - - -	8	1	lvi
of taxes to support, - - - - -	8	3	lvii
property of, exempt from taxation, - - - - -	9	3	lvii
fund of, how kept, - - - - -	9	12	lix
<i>Slavery</i> , prohibited, - - - - -	1	2	xlvi
<i>Speech</i> , liberty of, secured, - - - - -	1	3	xlvi
<i>State Debt</i> , provisions relating to, - - - - -	9	5	lviii
how contracted, - - - - -	9	6	lviii
in time of war, etc., - - - - -	9	7	lviii
credit of state not to be loaned, etc., - - - - -	9	10	lviii
<i>State Prison</i> , territorial prison as located to remain one of the prisons of the state, - - - - -	15	5	lxix
<i>Stockholders</i> , liability of, in banks, - - - - -	9	13	lix
same, in other corporations, - - - - -	10	3	lx
<i>Supreme Court</i> , how organized, jurisdiction, powers and duties, - - - - -	6	2	liii
to appoint reporter of its decisions, - - - - -	6	2	liii
to appoint clerk in case of vacancy, - - - - -	6	2	liii
judges of, elected for seven years, - - - - -	6	3	liv
qualifications of judges, their compensation not to be diminished, - - - - -	6	6	liv
judges of, to hold no other office,—all votes cast for void, except for a judicial office, - - - - -	6	11	lv
<i>Taxation</i> , non-resident property holders not to be taxed higher than residents, - - - - -	2	3	xlvi
for school purposes, - - - - -	8	3	lvii
to be equal and uniform, property taxed to have a cash valuation, - - - - -	9	1	lvii
for state purposes, - - - - -	9	2	lvii
what shall be taxed, - - - - -	9	3	lvii
what shall be exempt, - - - - -	9	3	lvii
banks and bankers, how taxed, - - - - -	9	4	lvii
powers of counties and townships, - - - - -	11	5	lx
of persons on Indian lands, - - - - -	15	2	lxvii
<i>Terms of Office</i> , of governor, - - - - -	5	3	lii
of lieutenant-governor, - - - - -	5	3	lii
of auditor, secretary, treasurer, and attorney-general, - - - - -	5	5	lii
of executive office, when to commence and end, - - - - -	5	2	lii
of clerk of supreme court, - - - - -	6	7	liv
of judges of supreme court, - - - - -	6	3	liv
of district judges, - - - - -	6	4	liv
of probate judges, - - - - -	6	7	liv
of justices of the peace, - - - - -	6	8	liv
of other judges, - - - - -	6	9	lv
<i>Title</i> , state not to interfere with when given by congress, - - - - -	2	3	xlvi
<i>Territorial Officers</i> , continued until superseded by authority of state, - - - - -	5	1	lxviii
<i>Towns and Townships</i> , organization of, - - - - -	11	3	lx
election of officers of, - - - - -	11	4	lx
powers of local taxation, - - - - -	11	5	lx
moneys of, how drawn from treasury, - - - - -	11	6	lx
<i>Treason</i> , definition of, proof of, - - - - -	1	9	xlvi
disqualification of persons convicted of, - - - - -	7	2	lvi
<i>Treasurer of State</i> , an executive officer, how chosen, - - - - -	5	1	lii
<i>Treasurer of State</i> , term of office, salary first term, - - - - -	5	5	lii
to register state bonds, - - - - -	9	6	lviii
to publish annually a detailed statement of receipts and expenditures of public money, - - - - -	9	11	lviii
<i>University of Minnesota</i> , provisions relating to, - - - - -	8	4	lvii
property of, exempt from taxation, - - - - -	9	3	lvii
<i>Veto</i> , of bills by governor, - - - - -	4	11	xliv
of joint resolutions, etc., - - - - -	4	12	l
<i>Votes</i> , in passing laws, to be entered on journal, - - - - -	4	13	l
same, in elections by legislature, - - - - -	4	30	lii
<i>Vacancies</i> , in state and other offices, to be filled by appointment by governor, - - - - -	5	4	lii
in offices of judges, same, - - - - -	6	10	lv
<i>Witness</i> , cannot compel person to be against self on a criminal trial, - - - - -	1	7	

MINNESOTA STATUTES 1858

892

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
<i>Witness, opinion on religion not to disqualify any person from being, -</i>	1	17	xlvii
<i>Yeas and nays. See votes.</i>			
AMENDMENT TO SECTION TEN, ARTICLE NINE.			
<i>Bonds, special, of state, to be issued to each company as a loan of credit. \$1,250,-</i>			
<i>000 to each. Aggregate \$5,000,000. To bear interest at seven per cent.</i>			
<i>per annum, payable semi-annually in New York city. How issued. Evi-</i>			
<i>dence that any ten miles have been completed ready for superstructure,</i>			
<i>satisfactory to governor to entitle road to receive \$100,000 in bonds. Same</i>			
<i>for every ten miles. Every ten miles completed and cars running thereon,</i>			
<i>company entitled to additional \$100,000 of bonds, &c., until full amount</i>			
<i>are issued. Two fifths of bonds issued to S. M. R. R. Co., to be expended</i>			
<i>on line of road from La Crescent to junction with Transit roads. Bonds</i>			
<i>to be denominated "Minnesota State Railroad Bonds." Faith and credit</i>			
<i>of state pledged for payment of interest and redemption of principal of</i>			
<i>said bonds. To be signed by governor. Countersigned and registered by</i>			
<i>treasurer under the seal of the state. Not to exceed \$1,000 each. Pay-</i>			
<i>able to order of company to whom issued, and transferable by indorse-</i>			
<i>ment of president of company to which issued. Redeemable after ten</i>			
<i>and before expiration of twenty-five years from their date.</i>			
<i>Bonds, of railroads, see title (security) below,</i>	9	10	lxvi
<i>Completion of road, each company to complete not less than fifty miles by expiration</i>			
<i>of 1861. Not less than one hundred by expiration of 1861, and full four-</i>			
<i>fifths of each entire road before 1866. A failure to complete road as</i>			
<i>aforesaid to work forfeiture of lands, franchises, &c., to state,</i>	9	10	lxvii
<i>Construction, Minnesota and Cedar Valley R. R. Company to commence at Faribault</i>			
<i>and Minneapolis, and to grade equal distances. To be commenced by</i>			
<i>each company within sixty days after proclamation by governor that the</i>			
<i>people have voted for loan, &c. Fifty miles to be ready for superstructure</i>			
<i>in two years thereafter on each road,</i>	9	10	lxvii
<i>Credit, of state not to be loaned to individuals or corporations, except to expedite</i>			
<i>construction of land grant railroads, in which lands granted by congress</i>			
<i>have been vested by legislative assembly of Minnesota,</i>	9	10	lxvi
<i>Loan, conditions of, companies to notify governor of acceptance of loan within thirty</i>			
<i>days after proclamation by the governor that the people have voted for</i>			
<i>said loan, &c.,</i>	9	10	lxvii
<i>Payment, each company to provide for payment of interest and principal of bonds</i>			
<i>as the same shall accrue, so as to exonerate the state treasury from any</i>			
<i>advances of money,</i>	9	10	lxviii
<i>Security, 1. Net profits of each road for payment of interest on bonds issued by</i>			
<i>the state,</i>	9	10	lxviii
<i>2. A conveyance of the first two hundred and forty sections of land, free</i>			
<i>from any incumbrance to save the state from loss on state bonds, which</i>			
<i>shall authorize the governor and secretary of the state to convey title to</i>			
<i>purchasers from the companies: proviso, the governor shall approve of</i>			
<i>said sale before releasing interest of state to said land. Proceeds of sale</i>			
<i>to be applied to payment, in case of default, and as a sinking fund for</i>			
<i>payment of principal when due, if unpaid,</i>	9	10	lxviii
<i>3. First mortgage bonds on the roads, lands and franchises of the compan-</i>			
<i>ies, in an equal amount to the state bonds issued, to be transferred to</i>			
<i>state treasurer. In default of payment of principal and interest of state</i>			
<i>bonds by either company, no more state bonds shall be issued to such</i>			
<i>company, and bonds of company may be sold by governor; but if com-</i>			
<i>pany, before day of sale, pay principal and interest, no sale shall take</i>			
<i>place,</i>	9	10	lxviii
AMENDMENT TO SECTION SEVEN, ARTICLE FIVE.			
<i>Executive officers, term of, to commence on taking oath of office, on or after May</i>			
<i>1, 1858.</i>	5	7	lxix
<i>Term to continue until first Monday of January, 1860, except auditor,</i>			
<i>whose term extends to first Monday of January, 1861,</i>	5	7	lxix
<i>Above provision, as to qualification and entry into office, extended to</i>			
<i>all officers elected under state constitution,</i>	5	7	lxix
ACT OF ADMISSION INTO THE UNION.			
<i>Admission,</i>	1		lxx
<i>Appeals pending,</i>	3		lxx
<i>Congress, representation in,</i>	2		lxx
<i>District court in,</i>	3		lxx
<i>Judicial organization,</i>	3		lxx
<i>Laws, to be what,</i>	3		lxx
<i>Pay of judges, &c.,</i>	3		lxx
<i>Preamble,</i>	1		lxx
<i>Representatives in congress,</i>	2		lxx
<i>Writs of error pending,</i>	3		lxx
ACT SUPPLEMENTARY TO ACT OF ADMISSION,			lxxi

MINNESOTA STATUTES 1858

GENERAL INDEX.

	Sec. Page.
ABATEMENT. <i>See</i> ACTION, abated; NUISANCE, abatement of; PROCESS, abatement of; WRITS, abatement of.	
ABSTRACT OF TITLE; register of deeds to give, - - - - -	29 158
ACADEMY; incorporated, not subject to laws as to actions respecting corporations, &c., -	26 609
<i>See</i> INSTITUTIONS OF LEARNING.	
ACCEPTANCE, of note, what binding, - - - - -	7 375
ACCESSORY, to embezzlement by officer, who, - - - - -	28 712
before the fact, to felony, who; punishment, - - - - -	1 733
same, how indicted and convicted, - - - - -	2 733
same, when tried, &c., - - - - -	3 734
after the fact, to felony, who; punishment, - - - - -	4 734
same, how tried, &c., - - - - -	5 734
before the fact, distinction between and principal, where abolished, - - - - -	21 761
after the fact, may be indicted, tried and punished, though principal is not, - - - - -	22 761
ACCOMPLICE, testimony of, - - - - -	8 782
ACCOUNT. <i>See</i> CLAIM.	
ACCOUNT, from person entrusted with property of deceased, - - - - -	10 438
executor's, &c. <i>See</i> EXECUTOR OR ADMINISTRATOR, account-of.	
guardian's bond to require, - - - - -	8 468
of ward, guardian to settle, - - - - -	15 469
by joint guardians, when allowed on oath of one, - - - - -	32 471
executor's, &c., probate court has jurisdiction of, - - - - -	3 489
guardian's, " " " " - - - - -	3 489
how set up in pleading, - - - - -	78 542
of warden and deputy warden of state prison, - - - - -	64 795
ACCOUNT, annual. <i>See under names of officers.</i>	
ACCOUNT BOOKS, how evidence, - - - - -	76 685
entries in, how proved and admissible, - - - - -	77 685
if postmarks in, ledger must be shown, - - - - -	78 685
entries by deceased person, how admissible, - - - - -	79 685
ACCOUTREMENTS. <i>See</i> ARMS.	
ACCUMULATION OF PROFITS. <i>See</i> LAND, profits of.	
ACKNOWLEDGMENTS, notary public may take, <i>See Statute 45287-1863</i> - - - - -	94 134
notary's fees on, - - - - -	97 134
register of deeds may receive, <i>See Statute 494100-1864</i> - - - - -	31 158
of deeds, who take; how made, - - - - -	8 398
same, in other states, - - - - -	9 398
same, authenticated how, - - - - -	10 398
same, in foreign countries, - - - - -	11 398
by married women residing in state, - - - - -	12 398
same, out of state, - - - - -	13 398
death of grantor before, proof of execution, - - - - -	14 399
grantor refusing, proceedings, - - - - -	16 399
same, and witnesses dead, proceedings, - - - - -	18 399
wanting, deed may be filed with register, - - - - -	21 399
same; effect of filing to continue how long, - - - - -	22 399
certificate of, entitle deed to be filed, - - - - -	23 400
makes conveyances, &c., evidence, - - - - -	35 401
lawfully made out of state, valid, - - - - -	40 402
wife's, how taken; what to be, - - - - -	44 402
commissioners to take, governor appoint, - - - - -	46 403
same, term of office, powers, - - - - -	47 403
same, effect of acts of, - - - - -	48 403
same, may administer oath and take deposition, - - - - -	49 403
same, take oath and file description of seal, - - - - -	50 403
required before instrument recorded, - - - - -	60 405
same, legalized, - - - - -	58 404
before supreme or district court clerks, - - - - -	74 406

MINNESOTA STATUTES 1858

	Sec.	Page.
ACKNOWLEDGMENTS, district court clerks and probate judges may take,	75	406
what takes action out of limitation law,	23	534
of certificate of limited partnership,	6	833
ACQUITTAL, how pleaded in bar,	4	701
for variance, may be again indicted,	5	701
same,	8	767
on merits, bars second indictment,	9	767
of one degree of offense, other indictment when,	10	767
partial; proceedings,	43	776
for insanity, how given; disposal of defendant;	45	776
defendant not liable for fees, &c., after	46	776
ACTION. <i>See</i> APPEAL; ARBITRATION; ATTACHMENT; BAIL; CERTIORARI; COMPLAINT;		
COURTS; DEFENDANT; DEPOSITION; FORCIBLE ENTRY AND DETAINER; HEARING;		
INDICTMENT; ISSUE; JURISDICTION; JURY; MANDAMUS; PLAINTIFF; PROSECU-		
TION; REPLEVIN; SCIRE FACIAS; SUBMISSION; SUMMONS; THINGS IN ACTION;		
TRIAL; VERDICT; WASTE; WRIT OF ERROR; WRITS.		
Arrest in. <i>See</i> ARREST,	—	545
Costs in. <i>See</i> COSTS,	—	577
Execution in. <i>See</i> EXECUTION.	—	567
Executor or administrator. <i>See</i> EXECUTOR OR ADMINISTRATOR, actions by, &c.,	—	610
Judgment in. <i>See</i> JUDGMENT,	—	554
Motions and orders in. <i>See</i> MOTIONS AND ORDERS,	—	627
Nuisance, action for. <i>See</i> NUISANCE.		
Parties to. <i>See</i> PARTIES TO ACTION,	—	534
Partition of land, action for. <i>See</i> PARTITION, &c.,	—	598
Referee in. <i>See</i> REFEREE,	—	563
Trial of by court. <i>See</i> COURT, trial by,	—	562
ACTION, against counties, may be in district court of same,	256	110
by county, may be in county where defendant resides,	257	110
between counties, to be as between individuals,	258	110
by or against counties, name to be used in,	259	110
" " " process served on clerk,	260	110
" " " duty of clerk,	260	110
" " " may be before justice, when,	261	110
" " " costs recoverable in,	262	110
against counties, executions in, when levied,	263	110
county officers may bring, in official name,	259	110
by or against state, attorney-general's duties,	71	132
state librarian may bring, for fines, &c.,	115	137
for fine for falsely swearing in vote,	15	141
" " failure to deliver poll books,	30	143
by or against county, county commissioner's duty,	2	153
county treasurer may bring on official bonds,	40	160
against sheriff for not returning writ,	64	163
district attorneys to appear in what,	68	164
on bond of delinquent district attorney,	73	165
by coroner for fine of delinquent juror,	101	169
by assessor for fine for refusing information,	114	172
" " for refusal to furnish name, &c.,	119	173
on district court clerk's bond, when; rule of damages,	122	173
who may grant orders of publication in,	180	174
by and against towns, electors to direct,	16	181
on constable's bond, limitation of,	41	185
on chairman of supervisors' bond, town clerk to bring,	51	187
for penalties, &c., due town, how brought,	52	188
by or against towns; how conducted,	74	191
same, in what name,	75	191
same, summons when returnable,	76	191
same, supervisor's duty,	77	191
same, inhabitants when witnesses and jurors,	78	191
same, when before justice; he to be non-resident,	79	191
same, for trespass on town lands, damages,	80	191
same, for partition of town lands,	81	192
same, costs, judgments how recovered,	82	192
on town collector's bond, by whom, when,	652	204
on justice's bond, when; judgment;	228	221
before justice, neighboring justice when to proceed in,	230	222
for cost of partition fence,	237	224
same,	239	224
for half value of fence round land before uninclosed,	248	326
fence viewer may have, for fees,	254	226
for failure to pay over by tax collector,	56	237
by register for price of land sold for taxes,	76	240
by tenant of real estate, for taxes paid to him,	101	244
for recovery of land sold for taxes, when,	105	244
against sheriff for default as to taxes,	106	244
" " false return or fraud,	107	245

	Sec. Page.
ACTION, for embezzling under salvage law, damages, - - - - -	12 256
same, against officer, " - - - - -	13 258
for recovering wrecked, &c., property, (and next sections)	38 264
against relatives for support of pauper, how brought,	1 270
for moving pauper into county, how brought,	10 271
by cemetery association for injury to grounds,	53 286
against plank road or turnpike company, who defendants,	96 295
same, judgment and execution,	96 295
by or against village, trustees to direct, - - - - -	138 303
for fine for unlawful ferry, how brought, - - - - -	196 312
for failure to pay ferry license tax, how brought,	205 314
for installment due railroad company on stock,	248 320
against railroad for not stopping trains, &c., - - - - -	262 323
for subscription due on manufacturing, and other stock,	276 326
against corporation; when property of stockholders exempt,	322 332
same, corporate property pointed out by defendant,	323 332
same, if stockholder's property taken in action for same,	324 333
by or against corporation, its books how produced, - - - - -	327 333
" " " it continues as to, after dissolution, - - - - -	346' 335
against members of corporations, by bill in chancery,	359 337
for penalty for sale of liquor in certain territory,	6 339
" " having distillery in same, - - - - -	10 340
on bond of license to sell liquor, - - - - -	18 341
same, when approving supervisors liable, - - - - -	23 342
same, justices' jurisdiction in, - - - - -	26 342
same, jury may be had; and appeal, - - - - -	27 342
as to liquor traffic, pending at passage of act of August 12, 1858, not affected,	29 343
for money due by father of bastard, &c., - - - - -	9 345
for school money in hands of trustee, - - - - -	72 360
" " " clerk of district, - - - - -	73 360
for penalty for trespass on school, &c., lands, - - - - -	8 363
same, against officer not prosecuting, - - - - -	9 363
same, limitation of time to bring, - - - - -	10 364
same, what justice's jurisdiction in, - - - - -	11 364
same, commenced before justice where, - - - - -	12 364
same, proceedings (and following sections), - - - - -	13 364
for land in town sites; proceedings, - - - - -	5 386
same, act of March 3, 1855, applies to, - - - - -	6 387
same, evidence, - - - - -	7 387
same, writ of error or appeal, - - - - -	8 387
by town authorities, for their town site, - - - - -	10 388
for dowry, damages in, (and next sections), - - - - -	24 209
same, against heir, rule of damages, - - - - -	27 410
same, collusive, not to prejudice heir, &c., - - - - -	29 410
for rent; deeds evidence, - - - - -	32 410
by remainder man, &c., for waste, - - - - -	37 411
by joint tenant, &c., against co-tenant, - - - - -	38 411
by ward for real estate sold by guardian, limitation,	22 416
same, such sale not invalid when, - - - - -	23 416
same, guardian liable for misconduct, - - - - -	24 417
by heir to recover estate sold by executor, &c., limitation,	56 423
same, exceptions to limitation, - - - - -	51 424
on estate sold by executor, &c., sale when regular,	52 424
on probate bond for delinquency of executor, &c., - - - - -	53 424
for damages against executor, &c., for fraudulent sale,	54 424
to recover land if assets of deceased insufficient,	16 438
same, when executor, &c., bound to institute, - - - - -	17 439
same, use of property recovered, - - - - -	18 439
what not to be commenced where commissioners on estate,	16 411
pending at decease, when and how prosecuted, - - - - -	16 441
when executor, &c., may commence or continue, - - - - -	17 442
same, set-off by defendant, - - - - -	18 442
against executor, &c., on contingent claim, defense,	51 446
same, judgment in, - - - - -	52 446
same, heirs, &c., when liable, - - - - -	53 446
same, defendants how added, - - - - -	55 446
same, proceedings in chancery, - - - - -	56 447
against executor, &c., what forbidden, - - - - -	60 447
on executor's, &c., bond, when creditor may bring,	2 453
same, by next of kin, - - - - -	3 453
same, for delinquency by executor, &c., - - - - -	4 453
same, for refusing to obey court, - - - - -	6 453
same, how brought, - - - - -	6 453
same, allowed on application, - - - - -	7 453
same, for benefit of individual; execution,	8 453
same, by probate judge, execution what, - - - - -	9 453
for damages for breach of bonds, who may bring, - - - - -	12 454

	Sec. Page.
ACTION, on guardian's bond, when brought, - - - - -	23 470
same, limitation of time, - - - - -	24 470
in name of apprentice for breach of indenture, - - - - -	15 473
same, damages on, whose to be, - - - - -	16 473
same, when to be brought, - - - - -	17 473
same, when apprentice may be discharged, - - - - -	18 478
by master, for costs paid for apprentice, - - - - -	22 478
same, - - - - -	24 478
not to abate by vacancy in judgeship, - - - - -	9 479
books and papers required in, how, - - - - -	15 479
same, penalty for refusal to produce, - - - - -	15 479
in equity and chancery; form of, (and next section,) - - - - -	19 480
same, writs of <i>ne exeat</i> and injunction, how granted in, - - - - -	21 480
same, how such writs granted, - - - - -	22 480
same, equities how interposed in, - - - - -	28 481
same, as counter claim, - - - - -	24 481
same, bonds required in, as in former chancery suits, - - - - -	26 481
same, receivers where appointed, - - - - -	27 481
same, referees when appointed, - - - - -	28 481
same, supreme court may make rules of practice, - - - - -	29 481
same, appeals in, how made, - - - - -	30 481
same, fees, costs, &c., how taxed, &c., - - - - -	31 481
for foreclosure and partition, plaintiff's costs in, - - - - -	31 482
in chancery, abolished, exception as to those now pending, - - - - -	32 482
judge interested in; how heard, - - - - -	50 485
transferred from territorial to state courts; act of July 12, 1858, - - - - -	487
for delinquency by clerk of probate, - - - - -	51 495
what justice has jurisdiction of, - - - - -	5 498
" " " not jurisdiction of, - - - - -	6 498
before justice; what docket he to keep of, - - - - -	7 498
same, how commenced, - - - - -	8 499
same, not abate for fictitious name of party, - - - - -	8 499
same, security for costs, - - - - -	9 499
same, process what, - - - - -	10 499
same, when warrant issue, - - - - -	11 499
same, proceedings, (and following sections), - - - - -	12 499
same, service of warrant, - - - - -	15 500
same, proceedings if justice interested, - - - - -	15 500
same, parties may appear and plead in person, - - - - -	19 500
same, for infant, next friend required, - - - - -	20 500
same, defendant, when may plead, &c., in person, - - - - -	21 500
same, infant defendant to have guardian, - - - - -	22 500
same, time of appearance, - - - - -	23 501
same, pleadings in, (and following sections), - - - - -	24 501
same, cause how stated, - - - - -	27 501
same, amendment of pleadings, - - - - -	36 502
same, how adjourned, - - - - -	37 502
same, proceedings if title to land in question, - - - - -	38 502
same, adjournment for what time, - - - - -	39 502
same, commenced by warrant; effect of adjournment, - - - - -	40 502
same, if defendant ask adjournment, proceedings, - - - - -	41 503
same, on recognizance, proof required, - - - - -	42 503
same, set-offs in, (and following sections), - - - - -	44 503
same, witnesses and depositions in, (and following sections,) - - - - -	50 504
same, depositions in how taken, (and following sections,) - - - - -	57 504
same, failure to appear, effect of, - - - - -	63 506
same, jury in, how demanded and summoned; oath, - - - - -	64 506
same, oath of witness; of officer in charge of jury, - - - - -	64 506
same, jury not agreeing, discharged when, - - - - -	65 507
same, jury how impaneled, - - - - -	68 507
same, set-off of judgment, (and following sections,) - - - - -	70 508
same, judgment by confession, (and following sections,) - - - - -	73 508
same, when transferred to another justice, - - - - -	79 508
same, judgment on nonsuit, - - - - -	80 509
same, execution how stayed, (and following sections,) - - - - -	81 509
same, executions in, (and following sections,) - - - - -	89 511
of replevin before justice, (and following sections,) - - - - -	98 512
before justice, certiorari on, (and following sections,) - - - - -	123 515
of what justice has jurisdiction, - - - - -	177 521
before justice, forms in, - - - - -	178 522
forms of, laws as to, - - - - -	— 532
parties to, what called, - - - - -	2 532
limitations of, (and following sections,) - - - - -	3 532
See LIMITATION OF ACTIONS, - - - - -	4 532
when commenced, - - - - -	14 533
attempt to commence, when a commencement, - - - - -	15 533
not abated by death, &c., when, - - - - -	37 535
where tried, laws as to, - - - - -	— 536

	Sec. Page.
ACTION, in county where subject situated, when, - - - - -	39 536
in county where cause arose, when, - - - - -	40 536
in county where parties reside, when, - - - - -	41 536
against non-resident, where, - - - - -	42 536
venue changed, when, - - - - -	43 536
same, application for, - - - - -	44 537
same, when granted; not more than one, - - - - -	45 537
same, by consent of parties, - - - - -	46 537
how commenced, (and following sections,) - - - - -	48 537
what notice summons to contain, - - - - -	50 537
against corporation, service of summons, - - - - -	53 538
" minor, " " - - - - -	53 538
" ward, " " - - - - -	53 538
" defendant not to be found, summons how served, - - - - -	54 538
" several defendants, proceedings in, - - - - -	57 539
cannot be had on claim omitted in an answer, - - - - -	72 541
for libel or slander; complaint - - - - -	84 543
same, answer, - - - - -	84 543
for property distrained; answer, - - - - -	86 543
several causes of, how united, - - - - -	87 543
to recover personal property; claim of delivery, - - - - -	130 548
same, plaintiff's affidavit on claim, - - - - -	131 549
same, sheriff required to take and deliver, - - - - -	132 549
same, sheriff how to take and deliver; his security, - - - - -	133 549
same, defendant's exception to sureties, - - - - -	134 549
same, defendant how retain property, - - - - -	135 549
same, defendant's sureties how justify, - - - - -	136 549
same, " how qualified, - - - - -	137 550
same, when sheriff break into building for property, - - - - -	138 550
same, sheriff how to keep property, - - - - -	139 550
same, plaintiff indemnify sheriff, - - - - -	140 550
for recovery of money; attachment in. <i>See ATTACHMENT,</i> - - - - -	— 550
on undertaking to redeliver, &c., attached property, defense, - - - - -	153 552
by sheriff, when plaintiff may prosecute, - - - - -	157 553
same, proceedings when defendant recovers, - - - - -	158 553
same, discharge of attachment, - - - - -	159 553
dismissed how, - - - - -	170 554
by several plaintiffs, judgment, - - - - -	167 554
against several defendants, judgment, - - - - -	168 554
same, judgment severally, - - - - -	172 554
on obligation to pay money; judgment on failure to answer, - - - - -	173 555
to recover money; judgment on failure to answer, - - - - -	173 555
same, other than judgment on failure to answer, - - - - -	173 555
for recovery of money or real estate, what verdict, - - - - -	25 561
same, other than verdict to be what, - - - - -	35 561
for personal property, judgment, - - - - -	70 566
relative to wife's property, jurisdiction, - - - - -	107 572
before justice, fees in, (and following sections,) - - - - -	14 590
concerning real property; who bring, - - - - -	1 595
no costs if defendant disclaim title, - - - - -	2 595
to recover dower, &c., must show denial of right, - - - - -	3 595
or personal property, when right of ends pending action, - - - - -	4 595
new trial when, - - - - -	5 595
third trial when, - - - - -	6 595
judgment on new trial, - - - - -	7 595
rule of damages, for withholding property, - - - - -	8 596
survey of property; order of court, - - - - -	9 596
same, contents of order, - - - - -	10 596
for damages by tenant after sale under execution, - - - - -	12 596
not prejudiced by sale of land during it, - - - - -	13 596
against tenant for possession, - - - - -	14 596
for nuisance, - - - - -	15 596
for waste, against whom, - - - - -	16 597
for injuring tree, &c., treble damages for, - - - - -	18 597
same; mitigation of damages, - - - - -	19 597
same; if timber cut for highway, &c., - - - - -	20 597
for forcible eviction; damages, - - - - -	21 597
for forcible entry or detention, - - - - -	22 597
respecting corporations, - - - - -	— 605
what corporations statutes refer to, - - - - -	1 605
foreign corporation, when may bring, - - - - -	2 605
same, when cannot bring, - - - - -	3 605
against bank, &c., when ten per cent. interest, - - - - -	4 603
against corporations, how commenced, - - - - -	5 603
by corporations, existence of corporation when to be proved, - - - - -	6 605
by or against same; act of incorporation not set out, - - - - -	7 605
same; <i>See EQUITY PROCEEDINGS AS TO CORPORATIONS.</i>	

MINNESOTA STATUTES 1858

898

GENERAL INDEX.

	Sec. Page.
ACTION, cause of for injury to person not survive, - - - - -	1 610
" what survive; to whom, - - - - -	2 610
for death by wrongful act, &c., - - - - -	3 610
against several executors, &c., - - - - -	4 610
by executor, &c., law of limitation as to, - - - - -	6 611
against person assuming executorship, - - - - -	9 611
against next of kin, for debts, - - - - -	11 611
same, who liable, - - - - -	12 611
by one next of kin against another for contribution, - - - - -	13 611
against legatee by creditor; what must be shown, - - - - -	14 611
against heir or devisee by creditor, - - - - -	17 612
against several next of kin or legatees jointly, - - - - -	15 612
against next of kin, &c., does not give preference to debt, - - - - -	21 612
same, defense to, - - - - -	22 612
same, judgment for what, - - - - -	23 613
same, judgment to cover real estate, - - - - -	25 613
heir or devisee when personally liable in, - - - - -	26 613
against joint heirs and devisees; contribution, - - - - -	27 613
against heirs and devisees, same proceedings, - - - - -	31 614
for child, to compel distribution, - - - - -	32 614
on official securities, - - - - -	— 615
same. See BOND, OFFICIAL.	
same, who may bring, - - - - -	2 615
same, brought on leave of court, - - - - -	3 615
same, judgment in one no bar to another, - - - - -	4 615
same, amount recovered not to exceed undertaking, - - - - -	5 615
for fines and forfeitures, how conducted, - - - - -	8 615
for penalty, amount recovered how fixed, - - - - -	9 616
same, collusive judgment how void, - - - - -	10 616
for property forfeited how brought, - - - - -	11 616
what officers and officials may bring, - - - - -	12 616
by officials, to be what, - - - - -	13 616
by municipal department, who real party, - - - - -	14 616
against officials, how brought, - - - - -	15 616
by or against officials; what cause of; when brought, - - - - -	16 616
to vacate charters, &c., - - - - -	— 618
instead of <i>scire facias, quo warranto, &c.</i> , - - - - -	1 618
to vacate corporate charter, - - - - -	2 618
to vacate charter other than municipal, - - - - -	3 618
to vacate charters, &c., leave for, - - - - -	4 618
for usurping or forfeiting office or franchise; assuming corporate powers, - - - - -	5 618
to annul letters patent, when, - - - - -	6 619
to vacate charter, &c., when private person joined as plaintiff, - - - - -	7 619
for usurpation and receiving fees, arrest in, - - - - -	8 619
for damages by usurpation, - - - - -	12 619
to determine right to office if several claimants, - - - - -	13 619
removal of to supreme court. See APPEAL, - - - - -	— 621
for recovery of money; offer of liquidation by defendant, - - - - -	9 626
what is an appearance in, - - - - -	26 628
notices; filing and serving papers, - - - - -	— 627
notices, &c., served on whom, - - - - -	22 627
same; mode of serving, - - - - -	23 627
service by mail, when, - - - - -	24 627
same; how made, - - - - -	25 628
service on non-resident, - - - - -	27 628
notice, what valid. See NOTICE, - - - - -	29 628
papers when to be filed, &c., - - - - -	30 628
successive on same contract, - - - - -	32 629
when more than one, consolidated, - - - - -	33 629
when deemed pending, - - - - -	34 629
to determine adverse claim, when brought, - - - - -	35 629
when person substituted for defendant, - - - - -	25 629
arising in foreign territory, barred when, - - - - -	39 629
clerk's register of, - - - - -	40 630
argument on, how long, - - - - -	44 630
without probable cause, penalty for, - - - - -	45 630
same; action for, - - - - -	45 630
right of, how prosecuted, - - - - -	46 630
appealed how, in first instance, - - - - -	47 630
answer in, when required, - - - - -	48 630
revised statutes how applied to, - - - - -	49 631
officer not liable to for obeying writ of discharge, - - - - -	52 639
against owner of vessel, &c., or vessel itself, - - - - -	1 647
same, judgment if no appearance, - - - - -	8 648
same; proceedings as to, - - - - -	— 647
for forcible entry or detainer, - - - - -	11 651

	Sec. Page.
ACTION , for holding over after execution, - - - - -	14 652
by settlers on U. S. land, - - - - -	1 654
same, plaintiff's claim, - - - - -	2 654
same, claim how bounded; what occupancy of, - - - - -	3 654
same, abandonment of claim to preclude, - - - - -	4 654
against insolvent, discharge to bar, - - - - -	23 658
garnishees in, provisions as to. <i>See GARNISHEE,</i>	— 659
against attorney for deceit or collusion, - - - - -	8 666
same, for permitting legal proceedings in his name, - - - - -	9 666
before justice, his docket when evidence, - - - - -	81 685
same, when his oath evidence of proceedings, - - - - -	82 685
on note by indorsee; possession evidence, - - - - -	85 685
before justice, depositions how taken for, - - - - -	87 686
under lien law, jurisdiction of, - - - - -	17 696
against owner when contractor fails to pay, - - - - -	25 697
for money lost at gaming, - - - - -	8 727
same, judgment how rendered, - - - - -	9 727
on recognizance to keep the peace, remission of penalty, - - - - -	19 742
on recognizance in criminal prosecution, penalty how remitted, - - - - -	30 748
same, how not barred or defeated, - - - - -	31 748
on recognizance to appeal from conviction, - - - - -	5 777
to collect militia fines, how brought, - - - - -	22 808
same, - - - - -	35 814
for sale, concealment, &c., of public arms, - - - - -	48 819
on bond of surveyor general of lumber, - - - - -	23 828
for damages to land, against drainage company, - - - - -	12 845
same, rule of damages, - - - - -	13 845
same, judgment; lien on company's dam, &c., - - - - -	14 845
for damages from mill-dam, &c., limitation of time, - - - - -	17 849
same, pre-emptor may bring, - - - - -	18 849
same, when court to suspend, - - - - -	21 849
for killing deer or elk; damages, - - - - -	1 850
for killing grouse, &c.; damages, - - - - -	2 850
for injury by cattle at large, what proof, - - - - -	5 851
under act against illegal banking, - - - - -	50 863
same, conviction to bar; but not <i>vice versa</i> , - - - - -	51 863
ACTS , public. <i>See STATUTES.</i>	
ADJOURNMENT. <i>See ACTION</i> , adjournment of, - - - - -	
ADJUTANT—GENERAL , salary of, <i>to be raised by act. Abols 42 for 87. 1865.</i> - - - - -	37 814
furnish blank forms for brigades, &c., - - - - -	63 824
ADJUTANTS , keep records of militia returns, - - - - -	58 823
ADMINISTRATION , all estate liable for expense of, - - - - -	30 429
appropriation may be made by will for, - - - - -	31 429
proceedings if such appropriation not sufficient, - - - - -	32 429
estate given by will liable for expense of, - - - - -	33 429
with will annexed, granted if executor declines, - - - - -	35 431
same, if executor a minor, - - - - -	6 432
same, if executor dies, - - - - -	12 432
letters of, granted on intestate estates, - - - - -	2 434
letters. <i>See LETTERS TESTAMENTARY.</i>	
to whom granted, - - - - -	3 434
penalty for embezzlement before granted, - - - - -	10 435
granted, revoked on proving will, - - - - -	16 435
same; powers of executor, - - - - -	17 436
ADMINISTRATOR. <i>See ADMINISTRATION; ADMINISTRATRIX; EXECUTOR; EXECUTOR OR</i>	
ADMINISTRATOR.	
personal estate held as, where assessed, - - - - -	125 198
same, and where held jointly, - - - - -	9 231
to be so described in assessment roll, - - - - -	18 232
real and personal estate of, assessed at full value, - - - - -	18 232
sale of real estate by. <i>See EXECUTOR OR ADMINISTRATOR.</i>	
with will annexed; "executor" to signify, - - - - -	43 430
same. <i>See EXECUTOR.</i>	
same, appointed if executor declines, - - - - -	5 431
same, bond of; proceed as executor, - - - - -	7 432
same, proceed as executor, - - - - -	11 432
bond of, - - - - -	4 434
special, in case of delay, - - - - -	5 434
same, duties of, - - - - -	6 434
same, not to pay debts, nor liable to action, - - - - -	7 434
same, bond of, - - - - -	8 435
same, powers when to cease, - - - - -	9 435
dying before complete administration, appointment, - - - - -	11 435
when removed, - - - - -	12 435
removed; remaining one administer, or court appoint, - - - - -	14 435
<i>de bonis non</i> , powers, &c., of - - - - -	15 435
acts of before revocation of appointment valid, - - - - -	18 436

Purchaser of lots of land
 by protected - Ch. of 457-94
 11 8 6 41

MINNESOTA STATUTES 1858

900

GENERAL INDEX.

	Sec. Page.
ADMINISTRATOR, more than one, bond may be joint or several,	19 436
notices of application for appointment of,	20 436
ADMINISTRATRIX, marrying extinguishes authority of,	13 435
ADRIFT. <i>See</i> SALVAGE.	
ADULTERATION of food, liquor, &c., penalty,	2 732
of drugs, &c., penalty,	3 732
ADULTERY, a cause of divorce,	7 463
when divorce may be granted for,	8 464
when divorce denied,	9 464
wife guilty of not entitled to possession of real estate,	20 465
" " " " alimony,	23 465
by husband, wife entitled to dower,	24 466
" " allowance for wife's subsistence,	25 466
divorced persons cohabiting when liable for,	30 466
punishment of, prosecution, how commended; limitation,	1 728
ADVANCEMENT, how considered in distribution,	5 413
when excludes from further portion,	6 413
how estimated,	7 413
gifts, &c., when to be,	8 413
same, how estimated,	9 413
representatives of heir to allow,	10 413
questions as to, how decided,	16 452
7 398	
ADVERSE POSSESSION, not to invalidate deed,	
ADVERTISEMENT. <i>See</i> NOTICE; FORECLOSURE BY ADVERTISEMENT.	
AFFIRMATION, included in term oath,	2 114
when receivable instead of oath,	92 687
same, from juror; with what words,	40 776
AFFIRMED, included in term sworn,	2 114
AGENT, railroad company, liable for misconduct of,	262 323
note signed by binding on principal,	2 375
AGENT. <i>See</i> ATTORNEY.	
may execute deed,	1 397
probate court appoint for estate of non-resident,	22 452
same; his bond and compensation,	23 452
of corporation; his evidence against it,	23 609
notices when may be given to,	86 686
embezzlement by. <i>See</i> EMBEZZLEMENT.	
governor may appoint, to demand fugitives from justice,	1 738
AGREEMENT. <i>See</i> CONTRACT.	
AGREEMENT, for arbitration; how made; form,	3 689
same, contents,	4 690
AGRICULTURAL COLLEGE OF THE STATE OF MINNESOTA, act as to,	— 864
site and experimental farm,	1 864
appropriations for,	2 864
established,	3 864
supervising board,	4 864
course of study,	5 864
instructors, salaries; tuition free; reception of pupils,	5 865
length and number of terms,	6 865
hours of study and manual labor,	7 865
boards of education and instruction,	8 865
board of instruction, duties of president,	9 865
same, duties of secretary,	10 865
treasurer, duties of,	11 866
AIKEN COUNTY, established and created, May 23, 1857,	179 99
Lankiagun City to be county seat of,	179 99
attached to second judicial district,	179 99
governor to appoint commissioners of; duties,	180 99
ALIEN, female, not therefore barred of dower,	21 409
may hold, convey and devise, &c., land,	35 411
title from not affected by alienage,	36 411
time of war not included in limitation of action,	19 534
United States naturalization laws as to, abstract of,	— 867
ALIENATION. <i>See</i> CONVEYANCE; DEED; GRANT; GRANTEE; GRANTOR.	
suspension of power of, voids future estate,	14 378
how not to be suspended,	15 378
by precedent owner, not to bar expectant estate,	32 380
of expectant estate, may be made,	35 380
what under general power,	5 392
what under special power,	6 392
suspension of right of, by instrument in execution of power,	55 397
illegal, by corporation officers, proceedings against,	3 607
ALIMONY, when wife may have at divorce,	23 465
court may alter order for,	26 466
court to order by what rules,	27 466
court may revoke order of when,	29 466
ALLEGATION. <i>See</i> MATERIAL ALLEGATION.	

	Sec.	Page.
ALLODIUM, what,	3	377
AMENDMENT of pleadings before justice, how,	36	502
of complaint, service of answer,	67	540
redundant or irrelevant pleading,	80	542
of pleadings; when,	93	544
same, on demurrer,	93	544
same, when court may allow,	94	544
same, by inserting true name of party,	95	544
if omission on appeal to supreme court,	5	621
in forcible entry and detainer,	21	652
ANIMALS. See ESTRAY; MARKS OF ANIMALS.		
See GAME, act to protect,	—	850
town electors to regulate going at large,	16	181
mischievous, when owner guilty of manslaughter,	16	704
cruelty to, punishment,	18	730
sheep and swine when run at large,	1	851
cattle, horses and mules, same,	4	851
same, action for damages from,	5	851
same, not apply to stallions and breachy cattle,	6	851
wolves, bounty for,	7	851
same, oath and certificate,	8	852
same, record of certificates,	9	852
ANNUAL ACCOUNT. See under names of officers.		
ANNUAL ELECTION. See ELECTION.		
ANNUAL REPORT. See under names of officers.		
ANNUAL TOWN MEETING. See TOWN MEETING.		
ANOKA COUNTY, set off from Ramsey, May 23, 1857,	200	102
Anoka to be county seat of,	201	103
organized; officers when to be chosen,	202	103
first meeting of commissioners at,	203	103
ANSWER, to amended complaint, service of,	67	540
when objection taken by,	68	540
what to contain,	70	541
counter claim in, what must be,	71	541
" " omitted, no subsequent action on,	72	541
separate defenses in,	73	541
sham, stricken out,	74	541
new matter in, reply to,	75	541
same, if plaintiff fail to answer or demur,	75	541
in libel or slander suit,	85	543
for property distrained,	86	543
judgment on failure to make,	173	555
when to be made in district court,	48	630
in forcible entry and detainer, contents,	22	652
in forcible entry and detainer, contents,	6	733
APOTHECARY, selling poison unlabeled, penalty,		
APPAREL. See WEARING APPAREL.		
APPEALS, security on not required from state,	82	132
in contested election cases,	74	151
same, bond by appellant,	74	151
from decisions of county commissioners, proceedings,	17	155
hearing on,	18	155
on town supervisors' road decisions; when; to whom,	195	215
same, how made; notice; forms,	196	215
same, when meeting,	197	216
same, notice of hearing,	198	216
same, trial of,	199	216
from town supervisors' refusal to act as to road,	201	217
same, roads how laid out and opened,	202	217
same, county supervisors' substitute,	203	218
from justice in proceeding on wrecked, &c., goods,	41	264
from appraisal for plank or turnpike road, to district court,	80	292
same, when must be taken,	81	292
same, when and how company may take land,	83	292
from district judge's decision on changing turnpike gate,	89	294
from justices' order opening turnpike gate,	101	297
from decision on suit on bond on liquor license,	27	342
from justices' decision in trespass on school lands,	30	366
from decision on town site lands,	8	387
from judge's decision as to town site claim,	9	388
from decision of commissioner on estates; how made,	20	442
same; bond on,	21	442
same, when allowed,	22	442
same, notice of, and of hearing on,	23	442
same, allowance appealed from, &c., filed,	24	442
same, trial,	25	443
same, judgment certified to probate court,	26	443
same, if not prosecuted, claim barred,	27	443

MINNESOTA STATUTES 1858

	Sec.	Page.
APPEALS, same, if not prosecuted allowance affirmed,	28	443
same, when any person interested may bring,	29	443
same, by executor, &c., notice of,	30	443
from decision on contingent claim against estate,	47	445
from probate acts, partition, &c., of estates,	3	475
jurisdiction of supreme court on,	1	478
" district courts on,	30	481
in equity cases, to be as in civil actions,	43	494
from probate court, when taken,	44	494
same, who may take,	45	494
same, may be on point of law or fact; proceedings,	46	495
same, must be taken when,	136	517
from justice's court in certain cases,	136	517
same, affidavit and recognizance,	137	517
same, how allowed,	138	517
same, release of defendant on,	139	517
same, justice's return to district clerk,	140	518
same, issue what,	141	518
same, entry with district clerk,	142	518
same, justice's return may be compelled,	143	518
justice may be compelled to allow,	144	518
justice's erroneous return of, amended,	145	518
from justice, when not dismissed,	146	518
same, when to be determined,	147	518
same, judgment what,	148	518
same, execution how collected,	149	518
same, security's remedy against principal,	150	518
justice to require costs before allowing,	174	521
when justice to make return to after leaving office,	199	526
from justice on criminal prosecution,	5	577
costs on; when court fix,	12	578
from order; costs on,	25	580
when defendant has costs on,	26	580
judgment on, compared with first one,	—	621
to supreme court; provision as to,	3	621
same, party aggrieved may have,	4	621
same, parties how designated; title of action unchanged,	5	621
same, how made; omission how amended,	6	621
same, transmission of papers to court above,	7	621
same, intermediate orders reviewed,	8	621
same, judgment what,	9	621
same, when must be taken,	10	621
same, appellant furnish what papers,	11	621
same, how brought, &c.,	12	622
same, appellant's undertaking,	13	622
same, from judgment to pay money; stay of judgment,	14	622
same, on judgment to deliver documents, stay of judgment,	15	622
same, if judgment to execute conveyance, stay of judgment,	16	622
same, if judgment to deliver realty, &c., stay of judgment,	17	622
same, if perfected, judgment stayed,	18	623
same, when respondent may enforce judgment,	19	623
same, undertakings on may be one or several,	20	623
same, undertaking how made and approved; exception to it,	21	623
same, perishable property when sold,	47	630
from justice and probate, how made in first instance,	17	652
from justice, in forcible entry and detainer,	18	652
same, stay of proceedings,	19	652
same, proceedings if restitution before appeal,	20	652
same, want of form not to vitiate,	25	673
from chancery; to supreme court; when,	26	673
same, bond on; damages,	27	674
same, proceedings in supreme court,	28	674
same, damages if frivolous,	22	677
depositions below how used,	11	741
from justice, on recognizance to keep the peace,	12	741
same, witnesses to recognize to appear,	13	741
same, proceedings,	14	741
same, failure to prosecute,	1	777
from conviction by justice; commitment or recognizance,	2	777
same, copies filed in court above,	3	777
same, fees how paid,	4	777
same, failure to prosecute, recognizance defaulted,	5	777
same, suit on recognizance to prosecute,	10	848
from assessment of mill-dam damages,	11	848
same, not to hinder erection of dam,	12	848
same, bond on,	13	848
same, subject-matter; jury trial,		

MINNESOTA STATUTES 1858

GENERAL INDEX.

903

	Sec. Page.
APPEALS, same, damages,	14 848
same, judgment,	15 848
APPEARANCE IN ACTION, what,	26 628
APPLES, dried, standard weight of bushel,	11 373
APPOINTMENTS. <i>See under names of officers.</i>	
resignation of how made,	1 246
APPRAISAL; of road damages. <i>See JURY TO ASSESS ROAD DAMAGES.</i>	
estrays,	4 260
lost money or goods,	11 261
roads for road company; choice of appraisers,	72 290
same, appraisement how made,	72 290
same, choice of appraisers if parties disagree,	73 290
same, commissioners for when and how applied for,	73 290
same, appointment on such application,	74 290
same, mode of proceeding,	75 290
same, their appointment of agent for idiot, minor, &c.,	76 290
same, position of such agent,	77 290
same, powers and duties of commissioners,	78 291
same, subpoenas may issue for witnesses,	79 291
same, appeal from,	80 292
same, damages on when payable,	81 292
same, when award payable to county treasurer,	82 292
same, papers filed in register's office,	82 292
of estate of deceased; made and certified how,	4 437
of household furniture, &c., separate	5 437
of estate of insane person or drunkard, contents,	30 493
of property when partly exempt from execution, &c.,	103 571
APPRAISERS; for road company, choice,	72 290
same if parties disagree,	73 290
of estate of deceased person; appointed,	2 437
same; order of appointment,	3 437
same, duties (and following section,)	4 437
of estate of insane person or drunkard,	30 493
of exempt property, officer to employ,	103 571
fees of,	25 591
APPRENTICE. <i>See INDENTURES; MASTER AND APPRENTICE.</i>	
when county commissioners to bind,	4 270
who may bind themselves,	1 471
consent to binding,	2 471
same, how signified,	3 471
only bound by indenture,	4 472
parents, &c., party to indenture how,	5 472
age to be in indenture,	6 472
provision for instruction of,	8 472
same if bound for less than three years,	9 472
moneys, &c., paid by masters to be for use of,	10 472
treatment of who to inquire into,	11 472
ill treatment of, complaint for,	12 472
same, hearing on,	13 472
same, costs,	14 473
action in name of for breach of indenture,	15 473
same, apprentice to have damages recovered,	16 473
same, when to be brought,	17 473
same, when indentures broken,	18 473
same, apprentice bound out anew,	18 473
leaving master unlawfully, brought before justice,	19 473
same, order of justice,	20 473
same, how apprentice may be taken home,	21 473
same, costs how paid; apprentice liable for,	22 473
misbehavior, complaint and proceedings,	23 473
same, when master discharged from indentures,	24 473
same, apprentice when liable for costs,	24 473
discharged by death of master,	25 474
not to be bound not to set up trade, &c.,	26 474
who may bind,	27 474
rights of fathers as to, what not affected,	28 474
binding of illegitimate child, mother may consent to,	29 474
ARBITRATION may be used to settle claim to town site land,	5 386
provisions as to,	— 689
what controversies may be submitted to,	1 689
what may and may not be submitted to,	2 689
agreement for, how made; form,	3 689
same, statement annexed to when,	4 690
submission how revocable,	5 690
neglect to appear; proceedings,	5 690
hearing appointed; adjournment,	6 690
oath of arbitrators,	7 690

MINNESOTA STATUTES 1858

904

GENERAL INDEX.

	Sec. Page.
ARBITRATION, award when made,	8 690
same, to be in writing,	9 690
same, how delivered,	10 690
same, proceedings by court on,	11 690
same, accepted, rejected, recommitted,	12 690
same, motion to set aside,	13 691
same, how altered,	14 691
same, when returned to court,	15 691
same, judgment in costs,	16 691
same, record of judgment on,	17 691
same, " " " filed,	18 691
same, as to costs, arbitrators make when,	19 692
same, judgment on, how enforced,	20 692
power of arbitrators,	21 692
between contractor and laborer, &c., when,	24 697
ARBITRATORS; appoint hearing,	6 690
sworn; to what;	7 690
award costs and their compensation,	19 692
compensation of, court may reduce,	19 692
powers of,	21 692
between contractor and laborer, &c., how chosen,	24 697
ARDENT SPIRITS. <i>See</i> SPIRITUOUS LIQUORS.	
ARMS, public, penalty for selling, concealing, &c.,	48 819
governor to have charge of,	1 824
" to appoint person to have charge of,	3 825
and accoutrements; exempt from process and sale,	90 569
person carrying, when to find surety to keep the peace,	18 742
public, kept low,	47 818
ARMY REGULATIONS of militia, to be those of United States,	39 815
ARRAIGNMENT, provisions as to,	— 762
before what court,	1 762
when defendant to be present,	2 762
officer when to bring defendant up for,	3 763
defendant not appearing for, proceedings,	4 762
defendant advised of right to counsel before,	14 762
by whom made; how,	13 763
defendant's name asked on,	16 763
same, if none furnished, proceedings,	17 763
same, if he gives another, proceedings,	18 763
defendant allowed what time to answer,	19 763
defendant not requiring time, how answer,	20 763
ARREST, members of legislature exempt from,	1 119
of members a contempt, punishment,	2 120
" " misdemeanor, " "	3 120
sheriff making in one county may cross others,	62 163
in civil action, when allowed,	98 545
same, of defendant, when,	99 545
same, judge to order,	100 545
same, " " when,	101 545
same, plaintiff's undertaking,	102 545
same, service of order,	103 545
same, order how served,	104 546
same, " " executed,	105 546
same, bail on, <i>See</i> BAIL.	
same, when bail may make,	109 546
same, sheriff's return to plaintiff,	112 546
same, sheriff liable for escape after,	121 547
same, motion to vacate order,	124 548
same, motion how opposed,	125 548
same, abolished when,	126 548
in case of fraud, abolished,	127 548
laws authorizing repealed,	128 548
of judgment debtor, when; how made,	124 575
in suit for usurpation, &c., when,	8 619
in order of court for payment of money, when,	19 627
of party illegally confining another,	60 640
of garnishee not appearing,	5 660
for contempt of court, <i>See</i> CONTEMPT OF COURT,	4 663
when officer responsible for property,	20 711
laws as to,	— 743
what,	1 743
how made, and by whom,	2 744
all persons must aid officer in,	3 743
felony and misdemeanor, when may be made,	4 743
how made,	5 743
restraint of defendant,	6 743
officer to show warrant and state authority,	7 743
necessary force permitted,	8 743

MINNESOTA STATUTES 1858

GENERAL INDEX.

905

	Sec. Page.
ARREST, door or window may be broken to make,	9 743
same, to liberate person making,	10 743
without warrant, when peace officer make,	11 743
same, when door or window may be broken,	12 743
same, at night,	13 743
same, authority and cause to be stated when,	14 743
by bystander, officer to take person arrested before justice,	15 743
commanded by magistrate for offense in his presence,	16 743
private person may make when,	17 744
same, when to state cause,	18 744
same, when door or window may be broken,	19 744
same, person arrested, how disposed of,	20 744
escaping from, may be retaken how,	21 744
same, when door or window may be broken,	22 744
on complaint for offense, may be made where,	3 745
of defendant on bail, for failure to appear,	47 786
on complaint of commissioned militia officer,	49 820
same, proceedings,	56 820
same,	60 823
for taking, &c., saw-log,	3 826
ARSON. <i>See</i> BURNING DWELLING, ETC.	
forms of indictment for,	3 756
ARTICLES OF ASSOCIATION; of educational and beneficent societies; contents; when adopted,	56 286
filed before incorporation takes effect,	57 287
of plank and turnpike road companies, when subscribed,	60 287
same, contents,	60 287
same, how subscribed to; filed,	61 288
same, incorporation takes effect on filing,	61 288
same, payment on stock before filing,	62 288
same, certified copy to be evidence,	63 288
of gas company, when adopted and recorded,	211 314
same, filed before commencing business,	214 315
by corporations; adopted before commencing business,	301 330
same, recorded where,	301 330
same, when filed with secretary of state,	302 330
same, when fix maximum of debt,	302 330
same, filed before commencing business,	305 331
same, change in must also be recorded or filed,	306 331
of corporations not for profit, need not be published,	335 334
ASSAULT, coroner may bind over witnesses as to,	107 170
summary proceeding in, (and next section),	206 627
robbery and armed,	33 706
with intent to rob,	34 706
robbery and, without arms,	35 706
with intent to commit rape,	40 706
with intent to commit burglary or other felony,	44 707
burglary with,	9 709
with intent to commit felony, conviction of without felony,	44 776
ASSESSORS. <i>See</i> COUNTY ASSESSORS; TOWN ASSESSORS; VILLAGE ASSESSORS.	
to observe auditor's forms,	35 128
act as to duties, etc., of,	— 171
oath of, bond of,	111 171
to receive blank assessment roll and plat,	112 171
to fill and return roll,	112 171
to assess personal property at true value,	113 172
to value improvements, etc., as personal property,	113 172
to examine property assessed; may swear owner,	114 172
fine for refusal of owner to testify,	114 172
notice by of examination of assessment roll,	115 172
penalty for neglect of duty by,	116 172
may appoint deputy; his oath,	116 172
to make and keep duplicate of assessment roll,	117 172
compensation of,	118 173
to list inhabitants in his district and file with secretary,	119 173
penalty for refusal to give names for same,	119 173
to list those liable to military duty,	119 173
blanks for, county supervisors' clerk to furnish,	127 199
time and mode of making assessments,	128 199
complete assessment; review of same,	129 200
certificate of roll; form,	130 200
forms, how furnished,	131 200
mode of assessing lands and town lots,	132 200
when return roll,	132 200
neglect of duty, penalty,	134 200
may exempt aged, infirm, etc.,	4 230

MINNESOTA STATUTES 1858

906

GENERAL INDEX.

	Sec. Page.
ASSESSORS. <i>See</i> ASSESSMENT; ASSESSMENT ROLL, COUNTY ASSESSOR AND COLLECTOR;	
TOWN ASSESSOR.	
to collect state five mill tax of 1858,	61 238
same, five mill tax of 1859,	66 238
default by, auditor to extend time,	67 238
same, auditor to appoint substitute,	67 238
same, a misdemeanor; penalty,	68 238
village, when make assessment,	137 306
ASSESSMENT; of personal property; at true cash value,	113 172
of lands, where,	124 198
personal property, where,	125 198
held as trustee, &c., where,	125 198
real estate and stock of corporations, where,	126 199
toll bridges, horses, and stages,	126 199
time and mode of making,	128 199
review of, who make, when,	129 200
certificate of roll,	130 200
forms how furnished,	131 200
of lands and town lots,	132 200
correction, &c., by clerk of supervisors,	133 200
county supervisors to equalize, &c.,	135 200
road labor and tax (and next section); form,	163 207
lands, where,	5 230
unoccupied lands,	6 230
corporations,	7 230
undivided real estate of deceased,	8 230
personal estate,	9 231
of goods, machinery, &c., where,	10 231
partners in business,	11 231
stock and personalty of corporations,	12 231
of lands; when to give boundaries,	19 232
what description sufficient,	20 232
double; proceedings,	37 234
of property omitted by assessor, made by collector,	56 236
time of extended,	63 238
irregular, tax sale not to be made for,	94 243
same; conveyance not to be made; payments refunded,	94 243
improper, money refunded,	97 243
of road damages. <i>See</i> JURY TO ASSESS ROAD DAMAGES.	
of vessel, &c., found,	5 256
medical society may lay; for what; limit of,	8 279
of village; unpaid taxes how entered,	154 305
of damages at opening, &c., village streets,	155 305
same, collection of,	156 306
of village taxes, when,	157 306
same; appeals from proceedings,	158 306
of village tax; contents of warrant,	160 306
of district tax,	66 359
same; excessive how reduced,	66 359
same, school district trustees to make,	70 360
of school district tax when school fund insufficient,	74 360
of militia fines,	21 807
on lands by drainage companies,	5 844
of damages by mill-dam, &c.,	7 847
same, appeal from, (and following sections),	10 848
ASSESSMENT ROLL, commissioners to inspect, sign, &c.,	13 165
commissioners to furnish,	112 171
how filled and returned,	112 171
correction of,	115 172
assessor to make and keep duplicate,	117 172
certified and signed,	130 200
how prepared for collector, (and next sections),	136 200
what warrant annexed for collector,	139 201
contents of, arrangement,	16 231
city or village lots how described in,	17 232
person assessed as trustee, &c., how described and assessed,	18 232
unoccupied land, how entered,	21 232
description of land in, (and next section,)	18 232
form to be what,	22 232
how corrected,	23 232
filed with register,	24 232
ASSETS, proceeds of executor's, &c., sale of real estate to be,	9 419
deficient, action to make up from lands fraudulently conveyed,	16 439
same, land so recovered to be,	18 439
sufficient, how used,	35 444
insufficient, succession of payment of debts,	36 444

Jan 1865
of 36
1862

MINNESOTA STATUTES 1858

GENERAL INDEX.

907

	Sec. Page.
ASSETS, same, dividend <i>pro rata</i> to creditors,	37 444
when order for distribution of,	38 444
same order, if appeal undetermined,	39 444
disputed claim when settled out of,	40 444
decree for further distribution of,	41 445
decree for distributing; executor, &c., liable,	42 445
when used to pay contingent claim,	48 446
same,	49 446
same, not sufficing for proceedings,	50 446
not presumed if executor, &c., fails to answer,	5 610
action against next of kin for,	11 611
recoverable by one next of kin from another,	13 611
creditor's action against legatee for,	14 611
insufficient for debts, heirs, &c., liable,	18 612
same, liable for deficiency only,	29 613
sufficient, heirs, &c., not liable,	28 613
ASSIGNEES, of estate, take beneficial powers of holder,	32 394
action by, not to prejudice set-off,	28 635
costs in action by,	24 580
to certify for discharge of insolvent,	20 657
ASSIGNMENT, general, conveys beneficial powers,	32 394
of mortgage, recording of not notice to mortgagor,	28 400
of dower. <i>See</i> DOWER.	
same, directions for, (and following sections,)	8 408
same, when bars further claim,	28 410
executor's, &c., of contract for purchase of land,	30 421
fraudulent. <i>See</i> FRAUDULENT CONVEYANCE.	
by insolvent debtor,	1 655
same, when judge to direct,	17 657
same, finding of jury conclusive as to,	18 657
same, interest conveyed by,	19 657
same, debtor discharged on proof of,	20 657
by partnership insolvent or contemplating insolvency, void,	20 834
same, by one partner, void,	21 835
same, special partner liable for as general partner,	22 835
ASSISTANT SECRETARY OF STATE, secretary to appoint,	15 126
oath of,	16 126
term of office one year,	17 126
salary, six hundred dollars,	18 126
ASSOCIATION. <i>See</i> CORPORATIONS; CEMETERY ASSOCIATION; ARTICLES OF ASSOCIATION; INSTITUTIONS OF LEARNING; EMIGRANT AID ASSOCIATION.	
ATTACHMENT, for witness in trespass on school lands,	34 367
when and how justice may issue for witness,	51 504
same, how executed,	52 504
in justice's court, when had,	106 518
same, affidavit for; requisites for,	107 513
same, when returnable,	108 513
same, form,	109 513
same, execution of,	110 513
same, defendant how to have possession of goods,	111 514
same, sale of perishable property on,	112 514
same, officer's compensation,	113 514
same, summons of absent defendants and notice,	114 514
same, form of such notice,	115 514
same, publication of notice,	116 514
same, judgment and execution in default,	117 514
same, proceedings and pleadings,	118 515
same, how dissolved,	119 515
same, if dissolved, release of property,	120 515
of property in third person's hands, he may retain how,	121 515
judgment on; execution and sale,	122 525
in action for recovery of money, laws as to,	— 550
same, when may be had,	142 550
same, how obtained,	143 550
same, when issued against defendant,	144 550
same, plaintiff's undertaking,	145 551
same, direction and contents of warrant,	146 551
same, what property may be taken,	147 551
same, execution of warrant,	148 551
same, on real estate, copy and record, &c.,	149 551
same, on shares of stock, shares how pointed out,	150 552
same, perishable property when sold under,	151 552
same, sheriff collect debts attached, and keep property,	151 552
same, sheriff when deliver property to claimant,	152 552
same, defense in action on claimant's undertaking,	153 552
same, jury to try claim of third person to property,	154 552
same, testimony of defendant or claimant,	155 552

MINNESOTA STATUTES 1858

908

GENERAL INDEX.

	Sec. Page.
ATTACHMENT, same, sheriff how to satisfy judgment, - - - - -	156 552
same, discharged if defendant recovers, - - - - -	158 553
same, order to discharge, - - - - -	159 553
same, undertaking on such order, - - - - -	160 553
same, motion to vacate, - - - - -	161 553
same, motion how opposed, - - - - -	162 553
same, sheriff retain warrant after execution, - - - - -	163 553
property liable to, liable to execution, - - - - -	88 568
what exempt from, - - - - -	90 568
against person disobeying writ of <i>habeas corpus</i> , - - - - -	35 636
same, directed how if sheriff refuse to return, - - - - -	36 636
same, precept to sheriff on, - - - - -	37 636
same, power of county may be called, - - - - -	38 637
to enforce obedience to writ of discharge, - - - - -	51 638
against justice to compel return, - - - - -	23 652
for witness, - - - - -	6 675
for witness in land cases, - - - - -	104 689
against owner under lien law, - - - - -	34 699
ATTEMPT TO COMMIT OFFENSE, punishment, - - - - -	16 735
ATTORNEY. <i>See POWER OF ATTORNEY.</i> <i>of County through 951, 1860</i>	
may execute deed, - - - - -	1 397
judge not to be, nor partner of, - - - - -	4 478
judge of probate when not to be, - - - - -	13 491
justice when not to have same office with, - - - - -	3 498
in same office with justice, cannot appear before him, - - - - -	3 498
who may be in justice's court, - - - - -	19 500
same, constable not to be, - - - - -	19 500
same, party may plead, &c., without, - - - - -	19 500
not to appear before justice his law partner, - - - - -	176 521
how verify pleading, - - - - -	77 542
compensation of, not statutory fee for, - - - - -	1 577
when responsible for costs, - - - - -	20 579
same, - - - - -	36 581
same, how exonerate himself, - - - - -	37 581
in any cause, to have no witness fee in same, - - - - -	44 593
notices how served on, - - - - -	23 627
when service of papers must be on, - - - - -	27 628
who may practice as, - - - - -	1 665
requisites for admission (and next section), - - - - -	2 665
examination, - - - - -	4 666
order of admission, contents, - - - - -	5 666
application, what required, - - - - -	6 666
official obligations of, - - - - -	7 666
deceit or collusion by, penalty, - - - - -	8 666
permitting legal proceedings in his name, penalty, - - - - -	9 666
authority of; stipulations by, to be in writing, - - - - -	10 666
appearing without authority; proceedings, - - - - -	11 667
may be compelled to, how authority, - - - - -	12 667
how may be changed during action, - - - - -	13 667
notice of change of, - - - - -	14 667
notice of death of, - - - - -	15 667
lien of for compensation, - - - - -	16 668
refusing to deliver papers, &c., proceedings, - - - - -	17 668
proceedings if he claim lien, - - - - -	18 668
removal or suspension of, - - - - -	19 668
same, proceedings what, - - - - -	20 668
same, on information, - - - - -	21 669
same, accusation what to be, - - - - -	22 669
same, order for appearance, - - - - -	23 669
same, proceedings if appearance; if none, - - - - -	24 669
same, answer to accusation, - - - - -	25 669
same, objection to accusation, - - - - -	26 669
same, answer if objection not sustained, - - - - -	27 679
same, plea, proceedings, - - - - -	28 669
same, judgment case made, settled how, - - - - -	29 669
same, judgment roll, - - - - -	30 669
same, courts how remove or suspend, - - - - -	31 669
same, proceedings of supreme court on removal, &c., - - - - -	32 669
communications of client how made evidence, - - - - -	53 682
notices when may be given to, - - - - -	86 686
prosecuting, admitted to prison, - - - - -	77 796
ATTORNEY, district, <i>See DISTRICT ATTORNEY,</i>	
ATTORNEY GENERAL, may administer oath to members of the legislature, - - - - -	4 120
act prescribing duties of, - - - - -	131
oath of office, and bond, - - - - -	68 131
certificate of oath and bond filed, - - - - -	69 131
to appear for state in all causes in supreme court, - - - - -	70 132
" " whenever required by governor or legislature, - - - - -	71 132

his duty in certain cases this was
chap 65 in 121 1864

MINNESOTA STATUTES 1858

GENERAL INDEX.

909

	Sec. Page.
ATTORNEY GENERAL, to prosecute	72 132
indictable persons on governor's request,	73 132
" bonds of delinquent officers,	74 132
" delinquent revenue officers,	75 132
" incorporations violating charter,	76 132
prosecutions by, to be in what courts,	77 132
to furnish legal advice to state officers,	78 132
to give written opinions to legislature on demand,	79 132
to advise district attorneys as to duties,	80 132
to prepare forms for state officers,	82 132
no security required on appeals by for state,	83 132
office kept, state to furnish, postage,	84 132
official register, what to contain,	1 246
resignation how made,	360 337
examine and report on corporations,	360 337
same, may administer oath, examine books, &c.,	50 594
may issue subpoena without paying, &c., fee,	52 594
actions, &c., in name of, witness fee need not be advanced,	52 594
same, witness certificate of travel, &c.,	— 606
bill of against corporation, proceedings,	10 607
may sue out injunction against corporation, proceedings,	10 608
same, when he to appear,	14 608
proceeding as to corporation by, parties after decree,	2 618
when sue to vacate corporate charter,	3 618
same, charter other than municipal,	4 618
same, to have leave from court,	5 618
sue for usurping office, forfeiting it, assuming corporate powers,	6 619
sue for annulling letters patent when,	7 619
when join private person as plaintiff,	8 619
for usurping office, arrest in,	17 620
when sue injunction against corporation,	17 620
when ask appointment of receiver for same,	18 620
file copy of judgment roll against corporation,	18 620
same, if letters patent annulled,	93 797
investigate conduct of certain state prison officers;	94 797
examine and report on title of land of state prison,	70 239
AUCTION, tax sale to be by,	6 257
of vessel, &c., found by sheriff,	8 257
same, if worth less than \$100,	7 261
of estray,	54 266
of unclaimed property stored, &c., (and following sections,)	349 336
of property of corporation, on execution,	350 336
same, notice, proceedings,	351 336
same, how adjourned,	352 336
same, who highest bidder,	353 336
same, officer's delivery after,	354 336
same, purchaser's power under,	355 336
same, corporation retains liabilities, &c.,	356 337
same, corporation when may redeem,	358 337
same, proceedings may be in what county,	31 366
on execution in trespass on school lands,	17 419
executor's or administrator's sale of real estate, to be by,	4 448
of personal estate of deceased, when ordered,	4 458
auctioneer's memorandum a note of contract of sale,	35 493
sale for support of insane person or drunkard to be,	94 511
sale on justice's execution, to be,	112 514
of perishable property under attachment,	112 572
sale on execution to be, how made,	27 601
sale of real property by referees, &c., to be,	28 601
same, terms of sale,	6 644
on foreclosure by advertisement,	7 853
penalty for permitting contrary to law,	— 852
AUCTIONEERS, act as to,	1 852
governor appoint license fee,	2 852
appointment when take effect,	3 852
bond to treasurer,	4 853
penalties for misconduct,	5 853
keep account of sales, &c.,	6 853
penalty for acting as, without authority,	7 853
penalty for permitting sale contrary to law,	8 853
act not to apply to certain officers,	9 853
term of appointment,	10 853
appointments before act, when cease,	11 853
who licensed,	— 127
AUDITOR OF STATE, act relative to,	19 127
election, salary, bond, oath,	20 127
office to be at seat of government,	21 127
seal; its device,	21 127

MINNESOTA STATUTES 1858

910

GENERAL INDEX.

	Sec. Page.
AUDITOR OF STATE; to seal, certify and sign official copies, <i>chap 3 p 19 of sec. 18-6 2</i>	21 127
to adjust claims against state, and issue warrants,	22 127
warrants, how printed and numbered,	23 127
" counterparts of to be kept,	23 127
" when to be in small amounts,	24 127
" state credit pledged for,	25 127
" registry of,	26 127
to keep record of public accounts,	27 127
" account with treasurer of state,	28 127
to make annual statement to legislature; contents,	29 128
to submit books, &c., to legislature, on request,	30 128
to furnish copies of documents; which to be evidence,	32 128
fees for copies,	33 128
to send county land tax list to registers,	34 138
to send them forms for assessing and collecting tax,	35 128
when may remit penalty for unpaid taxes,	36 128
to send registers list of last year's county taxes paid,	37 128
may appoint chief clerk,	38 128
bond of clerk,	39 129
clerk when to supply auditor's place,	40 129
office expenses to be paid by contingent fund,	41 129
duty on delinquency of county treasurer,	42 129
may administer oath, to accounts,	43 129
must have audited all claims before paid,	44 129
chief clerk's salary,	45 129
violation of by act concerning; punishment,	46 129
may have legal advice from attorney-general,	77 132
may procure forms from him,	80 132
to audit and allow attorney-general's official postage,	83 132
duty where two towns have same name,	8 179
to record names of towns under act of Aug. 13, 1858,	9 179
file copy of county treasurer's bond,	113 197
sue on bond of defaulting county treasurer,	122 198
duty if default by assessor or collector,	67 238
to procure and distribute blanks as to taxes,	114 245
to advertise for proposals for state printing,	7 268
contents of advertisement for same,	7 268
award of contract for same,	7 268
approve of contractor's bond,	7 269
audit state printing accounts,	10 269
issue warrants in payment of same,	10 269
receive annual report of railroad companies,	260 322
present abstract of same to legislature,	260 322
draw warrant for expenses of state prison,	83 796
settle accounts of warden of same removed or resigning,	87 796
notify county auditors of duties under militia law,	7 799
procure blank treasury drafts,	10 838
same, mode of printing,	11 838
same, registry of,	12 838
same, use of, for treasury drafts,	13 838
procure blank notes for banks,	1 854
countersign and register same,	3 855
how deliver out same,	4 855
receive security before issuing same,	5 855
give power of attorney to receive interest on stock,	7 856
transfer and change bank securities,	7 856
proceedings on protest of bank notes,	14 857
to what amount countersign bills,	15 858
holds bank securities how,	26 860
destroy returned notes,	27 860
exchange mutilated notes,	28 860
annual report of on banks,	33 861
destroy plates, dies, &c., of closed banks,	36 861
official bond of,	39 862
not to be concerned in banking,	39 862
fees for issuing notes,	40 862
" redeeming notes,	41 862
AUDITORS, of town accounts, who,	54 188
their proceedings and certificate; form,	55 188
<i>See TOWN AUDITORS.</i>	
AUDITORS, of village, trustees to be,	188 303
their duty as to accounts, &c.,	141 303
AUTHENTICATION OF RECORDS; United States laws as to,	— 870
AUTHORITY; joint, words giving, give to majority,	2 114
to revoke power, where must be given,	36 394
AWARD. <i>See ARBITRATION.</i>	

MINNESOTA STATUTES 1858

GENERAL INDEX.

911

	Sec. Page.
BAGGAGE. See PROPERTY ADRIPT, &c.	
BAIL, when probate judge may fix,	80 166
on stay of execution by justice,	82 510
same, form of recognizance,	83 510
same, when judgment against,	84 510
same, judgment for against principal,	85 510
on complaint before justice,	184 524
how given,	107 546
surrender defendant, how,	108 546
arrest defendant to surrender him,	109 546
failure to comply with undertaking, action lies,	110 546
exonerated how,	111 546
non-acceptance, plaintiff how notify,	112 546
notice of justification,	113 546
qualifications of,	114 547
how justify, examination,	115 547
if sufficient, judge's indorsement of allowance,	116 547
deposit by defendant instead of,	117 547
same, proceedings on, (and following sections,)	118 547
when sheriff liable as,	121 547
same, judgment,	122 547
on arrest, liable to sheriff,	123 548
motion to reduce, when,	124 548
same, if by affidavit, how opposed,	125 548
on stay of criminal proceedings in writ of error,	29 624
on habeas corpus, if party criminally committed,	44 638
of person arrested for contempt,	6 664
same, how given,	8 664
may be given without examination,	4 745
taken, entered on warrant,	5 745
refused, proceedings,	6 745
when to be taken and when refused,	17 747
when prisoner discharged on,	18 747
when witnesses to give,	19 747
application for to judge of court of record,	23 747
fixed on bench warrant for non-appearance,	8 763
before magistrate in another county,	10 763
certificate on taking,	11 763
commitment notwithstanding,	12 763
increase of,	12 763
discharge on setting aside indictment,	5 764
on re-submission of case to grand-jury,	6 764
when demurrer sustained,	8 766
on change of venue,	3 768
when must justify,	36 784
exonerated on discharge of defendant,	35 785
on writ of error,	45 786
BAILEE, record description of goods consigned or deposited,	48 265
notify owner by letter,	49 265
BALLOT, at election for county seat, how worded,	2 112
to be used at general elections, description,	11 140
each to contain names of all persons voted for,	12 140
what town officers to be chosen by,	24 183
double at town election, disposed how,	29 183
at election for tax for county buildings; form,	108 196
BALLOT-BOX, provided by county,	16 141
to be examined before used,	17 141
prepared at adjournment of polls,	21 141
kept until polls re-opened,	22 141
disposition of after election,	29 143
BANK CHECK, what holidays as to paying,	10 376
due on holiday or Sunday, when paid,	11 376
BANK NOTES, fraudulently connecting parts of, forgery,	10 718
auditor of state to have engraved,	1 854
denominations of,	2 855
countersigned and registered,	3 855
have what words engraved on face,	6 855
to what amount may be countersigned,	16 858
holders of preferred if bank insolvent,	21 859
payable when,	22 859
returned to auditor, destroyed,	27 860
mutilated, exchanged,	28 860
received for debts due bank issuing,	29 860
and securities, illegal forbidden, penalty,	45 862
same, payment in illegal, void,	46 863
same, illegal, issued before act against,	47 863
same " penalty for circulating,	48 863

MINNESOTA STATUTES 1858

	Sec. Page.
BANK NOTES, same, illegal, district courts have jurisdiction of,	49 863
same, " disposition of fines as to,	50 863
same, " conviction as to bars civil action,	51 863
same, " civil action not bar conviction,	51 863
BANKER, or his agent, &c., not to be notary,	98 135
BANKING forbidden to turnpike or plank road company,	115 298
" to institutions of learning,	281 317
" railroad companies,	244 319
" to company for manufacturing, mining, &c.,	288 328
corporation having power of, proceedings of insolvent,	9 607
same, injunction against how issued,	16 607
same, receivers how appointed,	11 608
same, receiver's authority,	12 608
BANKS. See BANK CHECK; BANK NOTE; BANKER; BANKING.	
BANKS, stockholder or person connected, not to be notary,	98 135
<i>el. 1892</i> judgment against, interest on,	4 605
<i>74 1865</i> embezzlement from, penalty,	22 711
when testimony of officers omitted, in counterfeiting case,	8 718
and banking, laws relative to,	— 854
stocks receivable by auditor as basis of business, what,	4 855
what security deposit before receiving notes,	5 855
power of attorney to receive interest on same,	7 856
auditor may transfer or change same, how,	7 856
bills, notes and property, how taxed,	8 856
minimum of stock,	9 856
how may be incorporated,	9 856
certificate of intention, contents,	10 856
same, copy of how filed,	11 856
enumeration of powers of,	12 856
shares personal property; how transferable,	13 857
articles not to be changed to injury of creditor,	13 857
failing to redeem, protest,	14 857
same, auditor notify to redeem,	14 857
same, " sale of securities,	14 858
same, what damages recoverable,	15 858
increase capital, how,	17 858
president and cashier sign bills and contracts,	18 858.
purchase, hold and convey real estate for what,	19 858
list of shareholders and stock to be filed,	20 859
insolvent bill holders preferred,	21 859
notes payable where,	22 859
business how closed,	23 859
notice of final redemption of notes,	24 859
withdraw securities from auditor how,	25 859
securities deposited by are for redemption of bills,	26 860
notes of returned to auditor, destroyed,	27 860
receive its bills for debts due it,	29 860
capital stock how reduced,	30 860
penalty for issue of illegal currency,	31 860
what interest may take,	32 860
quarterly report by; contents, publication,	33 860
auditor's annual report on,	33 861
notify unclaimed dividends and interest,	34 861
same, what information to give,	35 861
plates, dies, &c., of, how destroyed,	36 861
annual examination by legislative committee,	37 861
penalty for false statements or entries,	38 862
auditor not to be interested in,	39 862
auditor's fees from,	40 862
same, for redeeming notes, &c.,	41 862
penalty for violating act as to,	42 862
act of March 19, 1858, as to, repealed,	43 862
RASTARD. See ILLEGITIMATE CHILD.	
BASTARD CHILDREN, act as to,	— 343
complaint against father,	1 343
same, proceedings on return of warrant,	2 343
same, accused how may be discharged; his bond,	3 343
same, accused when and how bound over, or committed,	4 344
same, cause when and how continued,	5 344
same, mother may be witness when,	6 344
same, accused when chargeable for maintenance,	6 344
same, accused give bond for support, &c., or committed,	7 344
same, accused how discharged after imprisonment,	8 344
mother, or commissioners may recover from father,	9 345
suit commenced by mother, continued how,	10 345
inquiry as to woman delivered of,	11 345
same, justice examine woman, issue warrant for father,	12 345

MINNESOTA STATUTES 1858

GENERAL INDEX.

913

	Sec.	Page.
BASTARD CHILDREN, county commissioners may compromise with father,	13	345
concealing death of by mother,	7	729
same, how may be indicted and convicted,	8	729
BEASTS. <i>See</i> ESTRAY.		
BECKER COUNTY, created and bounded, March 18, 1858,	211	104
Detroit temporary county seat of,	211	104
governor to appoint commissioners of; duties,	212	104
county officers appointed,	212	104
BENCH WARRANT, when granted,	54	754
clerk issue,	55	754
form of,	56	754
where and how served,	67	754
for defendant not appearing,	4	762
same, on what application issue,	5	762
same, form,	6	762
same, form for misdemeanor,	7	762
same, bail how fixed on,	8	763
same, served how,	9	763
BENEFICIAL POWERS. <i>See</i> POWERS, BENEFICIAL.		
BENEFITS, how assessed on village street opening, &c.,	155	306
BENEVOLENT INSTITUTIONS, how exempt from taxes,	4	230
organization of; <i>See</i> EDUCATIONAL AND CHARITABLE SOCIETIES.		
BENTON COUNTY, created,	1	75
boundaries of, by revised statutes,	5	76
declared an organized county,	12	76
seat of justice in, where located,	17	77
Cass, Itasca, and Pembina counties, attached to, for judicial purposes,	18	77
boundaries, act of Feb. 20, 1855,	82	87
part of, set off to Ramsey county, Feb. 25, 1856,	115	91
" erected into Sherburne county, same time,	116	91
" " Morrison " " "	117	91
" set off to Ramsey " " "	117	91
remainder of to be Benton county, " " "	118	91
Watab to be county seat of,	118	91
election certificates and returns for Morrison and Sherburne,	119	91
Sherburne county attached to for judicial purposes,	120	92
debts of, apportioned to it, and to Sherburne and Morrison,	121	92
Itasca, Lake, and St. Louis attached to for judicial purposes,	142	95
district court, terms in,	48	484
BIG SIOUX COUNTY, created and bounded, May 23, 1857,	185	100
organized; in third judicial and tenth council district,	186	100
governor to appoint commissioners of; duties,	191	101
Medary, temporary seat of,	192	101
meeting of commissioners in,	193	101
Pipe Stone county attached to for judicial and elective purposes,	195	102
BIGAMY, form of indictment for,	3	759
BILL IN CHANCERY. <i>See</i> under COURT OF CHANCERY.		
BILL OF EXCEPTIONS. <i>See</i> EXCEPTIONS.		
BILLS OF EXCHANGE, laws as to,	—	375
days of grace on,	5	375
same, not allowed if bill payable on demand,	6	375
acceptance in, must be in writing,	7	375
damages on protest of foreign,	8	375
" " inland,	9	376
holidays, as to,	10	376
due on holiday or Sunday, when payable,	11	376
in garnishee's hands, are effects,	20	661
lost, how recovery on, (and next section,)	74	684
possession of evidence of indorsement,	85	686
BLUE EARTH COUNTY, set off from Wabasha and Dakota, March 5, 1853,	34	79
an organized county <i>Bl. Earth Co. 1860</i>	40	80
governor to appoint county officers of,	40	80
boundaries, act of Feb. 20, 1855,	65	84
Brown county set off from, same time,	79	87
Farriault county attached to, for judicial purposes,	106	90
District court, terms in,	48	485
BOARD OF EDUCATION OF AGRICULTURAL COLLEGE. <i>See</i> AGRICULTURAL COLLEGE.		
BOARD OF HEALTH, who constitute,	1	272
powers,	2	272
duties; penalty for violation of orders of,	3	272
notice of orders, &c., of,	4	272
notify owner to remove nuisances; penalty of neglect,	5	272
cause removal of same,	6	272
if entry refused to, proceedings,	7	273
warrant to remove nuisance,	8	273
may isolate infected person, &c.,	9	273
provision if such person not removable,	10	273

*Blind & see check
9 page 4
1863*

MINNESOTA STATUTES 1858

914

GENERAL INDEX.

	Sec. Page.
BOARD OF HEALTH, warrant to remove same,	11 273
act as to, not conflict with city charter,	11 278
BOARD OF TRUSTEES. <i>See</i> TRUSTEES.	
BOATS. <i>See</i> VESSELS, &c.	
salvage on. <i>See</i> SALVAGE.	
BOND. <i>See</i> BAIL; PROBATE BONDS; RECOGNIZANCE; UNDERTAKING.	
of publisher of compilation of laws of 1858,	33 119
appellant on contested election appeal,	74 151
appeal from county commissioners' decision,	17 155
for costs of jury to assess road damages,	25 253
plankroad, &c., company, in appeal from appraisal,	83 292
applicant for ferry; contents,	207 314
trustees of literary institutions,	225 317
license to sell liquor,	16 340
same, suit on, how brought,	18 341
same, violation of, how invalidate license,	19 341
same, jury may be had on suit on,	27 342
of father of bastard, for maintenance,	7 344
respecting land, when may be recorded,	68 405
same, register must record,	69 406
same, recorded, effect of,	70 406
same, fee for recording,	71 406
of guardian of minor, before sale of real estate,	13 415
same, if guardian foreign,	20 416
to pay debts of deceased, to prevent sale of estate,	10 419
same, for whose benefit,	11 419
required before sale by executor, &c., of contract as to land,	28 421
same, conditions,	29 421
of purchaser at sale by executor, &c., when required,	32 421
foreign executor, &c., when sufficient,	35 422
guardian of minor, idiot, &c., before sale of real estate,	40 422
foreign guardian, when sufficient,	45 423
same, to sell more than will pay debts,	46 423
executor's, conditions of,	2 431
same, if executor residuary legatee,	3 431
same, effect of neglect to give,	4 431
same, not given, other executor, &c., appointed,	5 431
two or more executors may be joint or several,	13 431
administrator,	4 434
special administrator,	8 435
two or more administrators may be joint or several,	19 436
on appeal from decision of commissioners on estate,	21 442
executor, &c., when action on,	12 449
by legatee, &c., before receiving share of estate,	4 450
of guardian at appointment,	8 468
of testamentary guardian,	10 468
of guardian of insane person or drunkard,	13 468
of guardian; new one when required,	22 470
same, how filed; suit on,	23 470
same, limitation of action on,	24 470
of guardian for non-resident, minor, &c.,	28 470
in chancery proceedings, still required,	26 481
plaintiff's, in replevin,	100 512
by defendant, for property attached,	111 514
of plaintiff, on execution on attachment,	117 514
plaintiff's, on writ of error,	23 623
same, how approved,	24 623
same, filed how,	25 623
on serving writ of habeas corpus,	66 640
officer's, on receipt of public arms, form of,	— 800
auctioneers,	3 852
BOND, OFFICIAL. <i>See</i> OFFICIAL SECURITIES.	
of justices and constables of Itasca, Wabasha, Dakota, Cass and Pembina counties,	20 77
of constables, justices and county officers in Dakota, Wabasha, Fillmore, Scott, Le	
Sueur, Blue Earth and Nicolet counties,	40 80
of auditor of state,	19 127
of chief clerk of auditor of state,	39 129
of treasurer of state,	50 130
of treasurer of state, addition to,	51 130
of treasurer of state, legislature may require,	52 130
of attorney general,	68 131
of attorney general filed,	69 131
delinquent official, attorney general to prosecute,	73 132
of clerk of supreme court,	86 133
of notary public,	92 133
of state librarian,	107 136

MINNESOTA STATUTES 1858

GENERAL INDEX.

915

	Sec Page.
BOND, OFFICIAL of register of deeds, - - - - -	20 156
county treasurer when to sue on, - - - - -	41 160
of sheriff, - - - - -	49 161
of sheriff, proceedings on if he default, - - - - -	56 162
of district attorney, - - - - -	67 164
of judge of probate, - - - - -	76 165
of county surveyor, - - - - -	83 167
of coroner, - - - - -	95 168
of assessors, - - - - -	111 171
of clerk of district court, - - - - -	121 173
same, action on; rule of damages, - - - - -	122 173
of county officers, when to be executed, &c., - - - - -	133 175
of town collector, made, approved, form, - - - - -	37 184
same, how filed and entered by register of deeds, - - - - -	38 185
of constables, how made and filed; form, - - - - -	39 185
of justices of peace, same; form; - - - - -	39 185
of constable and justices, how approved and filed, - - - - -	40 185
copy of same, certified, evidence of its execution, - - - - -	40 185
effect of neglect to give by collector or constable, - - - - -	42 186
of chairman of supervisors; how made, &c., form, - - - - -	51 187
of county auditor; form, - - - - -	103 194
of county treasurer; how made, &c.; form, - - - - -	113 197
same how recorded, filed, &c.; copy of evidence, - - - - -	114 197
same, suit on, how prosecuted, &c., - - - - -	122 198
of town collector, when supervisor to sue, - - - - -	152 204
of justice of peace, contents, &c., - - - - -	228 221
same, copy of to be evidence, - - - - -	228 222
county assessor and collector, - - - - -	46 236
neglect to give, renew or deposit, vacates office, - - - - -	2 247
judgment for breach of condition, governor declare office vacant, - - - - -	33 247
public printer; suit on, - - - - -	6 268
same, how given and approved, - - - - -	7 269
village marshal, when and how given and approved, - - - - -	161 307
village treasurer, same, - - - - -	173 308
civil officer, suit on for neglect of duty under liquor law, - - - - -	22 342
secretary of university of Minnesota, - - - - -	8 350
treasurer of state normal school, - - - - -	34 354
clerk of school district, - - - - -	66 359
district judges, clerks and attorneys, copies filed how, - - - - -	44 483
clerk of probate court, - - - - -	50 495
sheriffs, when action on, of his liability as bail, - - - - -	122 547
warden, deputy warden, and clerk, of state prison, - - - - -	58 794
lumber surveyor, - - - - -	22 828
same, where deposited; actions on, - - - - -	23 828
treasurer of agricultural college, - - - - -	11 866
BONDS for loan, university of Minnesota may issue - - - - -	21 352
same, - - - - -	26 353
lands mortgaged for, - - - - -	22 352
same, - - - - -	27 353
negotiate how, - - - - -	23 352
same, - - - - -	28 353
proceeds of how used, - - - - -	24 352
for state loan, <i>See STATE LOAN.</i>	
railroad, <i>See LAND GRANT RAILROADS.</i>	
BOOKS. <i>See ACCOUNT BOOKS.</i>	
BOOM. <i>See SIDE BOOM; LOGS AND LUMBER.</i>	
BOOMS on St. Croix river, unlawfully removing timber from, - - - - -	7 826
same, penalty for, - - - - -	8 826
to have fixture for passage of lumber and logs, - - - - -	15 827
not having same, nuisance, and may be abated, - - - - -	16 827
BOUNDARIES of Aiken county, May 23, 1857, - - - - -	179 99
Anoka county, May 23, 1857, - - - - -	200 102
Becker county, March 18, 1858, - - - - -	211 104
Benton county, revised statutes, - - - - -	5 76
Benton county, February 20, 1855, - - - - -	82 87
Benton county, February 20, 1855, - - - - -	115 91
Benton county, February 20, 1855, - - - - -	116 91
Benton county, February 20, 1855, - - - - -	117 91
Benton county, February 20, 1855, - - - - -	118 91
Big Sioux county, May 23, 1857, - - - - -	185 100
Blue Earth county, March 5, 1853, - - - - -	34 79
Blue Earth county, February 20, 1855, - - - - -	65 84
Blue Earth county, February 20, 1855, - - - - -	79 87
Breckenridge county, March 18, 1858, - - - - -	210 104
Brown county, February 20, 1855, - - - - -	79 87
Buchanan county, May 23, 1857, - - - - -	176 99

MINNESOTA STATUTES 1858

	Sec.	Page.
BOUNDARIES OF Carlton county, May 23, 1857,	177	99
Carver county, February 20, 1855,	74	86
Cass county, revised statutes,	9	76
Chisago county, revised statutes,	4	75
Chisago county, March 1, 1856,	143	95
Cottonwood county, May 23, 1857,	187	101
Crow Wing county, May 23, 1857,	178	99
Dakota county, revised statutes,	8	76
Dakota county, March 6, 1852,	22	77
Dakota county, March 5, 1853,	27	78
Dakota county, March 5, 1853,	34	79
Dakota county, February 20, 1855,	69	83
Dakota county, May 22, 1857,	173	88
Dakota county, June 11, 1858,	248	109
Davis county, February 20, 1855,	76	86
Dodge county, February 20, 1855,	62	83
Douglas county, March 8, 1858,	235	107
Farribault county, February 20, 1855,	66	84
Fillmore county, Revised Statutes,	30	79
Fillmore county, February 23, 1854,	46	81
Fillmore county, February 20, 1855,	83	87
Freeborn county, February 20, 1855,	64	83
Goodhue county, Revised Statutes,	28	78
Goodhue county, March 5, 1853,	49	81
Goodhue county, February 20, 1855,	80	87
Hennepin county, Revised Statutes,	22	77
Hennepin county, February 20, 1855,	83	87
Hennepin county, February 25, 1856,	126	93
Houston county, February 23, 1854,	45	80
Isanti county, February 13, 1857,	155	96
Itasca county, Revised Statutes,	6	76
Itasca county, laws of 1855,	81	87
Itasca county, March 1, 1856,	140	94
Jackson county, May 23, 1857,	182	100
Kanabee county, March 13, 1858,	216	105
Kandyohi county, March 20, 1858,	226	106
Lake county, March 1, 1856,	139	94
Le Sueur county, March 5, 1853,	32	79
Le Sueur county, February 20, 1855,	71	85
Le Sueur county, February 18, 1856,	100	89
Manomin county, May 23, 1857,	196	102
Martin county, May 23, 1857,	181	100
McLeod county, March 1, 1857,	135	93
Meeker county, February 23, 1856,	109	90
Meeker county, February 24, 1858,	213	104
Midway county, May 23, 1857,	190	101
Mille Lac county, May 23, 1857,	175	98
Monongalia county, March 8, 1858,	239	108
Monongalia county, March 20, 1858,	244	108
Monroe county, March 20, 1858,	206	103
Morrison county, February 25, 1856,	117	91
Mower county, February 20, 1855,	63	83
Mower county, May 26, 1857,	204	903
Murray county, May 23, 1857,	188	101
Newton county, 1855,	81	87
Nicollet county, March 5, 1853,	36	79
Nicollet county, February 20, 1855,	72	85
Nobles county, May 23, 1857,	183	100
Olmsted county, February 20, 1855,	61	83
Olmsted county, May 26, 1857,	204	103
Otter Tail county, March 18, 1858,	209	104
Pembina county, Revised Statutes,	10	76
Pembina county, July 20, 1858,	230	107
Pierce county, March 5, 1853,	37	79
Pierce county, February 20, 1855,	83	87
Pine county, March 1, 1856,	143	95
Pine county, March 13, 1858,	216	105
Pipe Stone county, May 23, 1857,	184	100
Polk county, July 20, 1858,	231	107
Ramsey county, Revised Statutes,	3	75
Ramsey county, February 25, 1856,	115	91
Ramsey county, February 25, 1856,	117	91
Ramsey county, March 1, 1856,	143	95
Ramsey county, February 13, 1857,	155	96
Ramsey county, May 23, 1857,	196	102
Ramsey county, May 23, 1857,	200	102
Rice county, March 3, 1853,	33	79

MINNESOTA STATUTES 1858

GENERAL INDEX.

917

	Sec. Page.
BOUNDARIES, of Rice county, February 20, 1855,	68 84
Rice county, May 22, 1857,	173 98
Rock county, May 23, 1857,	189 101
Scott county, March 5, 1853,	31 79
Scott county, February 20, 1855,	70 85
Scott county, June 15, 1853,	248 109
Sherburne county, February 25, 1856,	116 91
Sibley county, March 5, 1853,	35 79
Sibley county, March 2, 1854,	56 82
Sibley county, February 20, 1855,	73 85
Sibley county, February 13, 1856,	100 89
St. Louis county, Revised Statutes, and 1855,	84 88
St. Louis county, March 1, 1856,	140 94
Stearns county, February 20, 1855,	78 86
Stearns county, February 20, 1855,	214 105
Stearns county, March 20, 1853,	219 105
Stearns county, March 20, 1853,	220 106
Steele county, February 20, 1855,	67 84
Steele county, February 29, 1856,	132 93
Steele county, February 27, 1857,	159 96
Todd county, February 20, 1855,	85 88
Toombs county, March 18, 1858,	223 106
Wabasha county, Revised Statutes,	7 76
Wabasha county, March 5, 1853,	29 78
Wabasha county, March 5, 1853,	34 79
Wabasha county, February 23, 1854,	48 81
Wabasha county, February 20, 1855,	83 87
Wadena county, June 11, 1858,	246 109
Waseca county, February 27, 1857,	159 96
Washington county, Revised Statutes,	2 75
Winona county, February 23, 1854,	47 81
Wright county, February 20, 1855,	78 86
Wright county, March 20, 1858,	220 106
BRANDS. <i>See</i> MARKS OF ANIMALS.	
BREAKING INTO HOUSE. <i>See</i> BURGLARY.	
BRECKENRIDGE COUNTY, created, boundaries, March 18, 1858,	210 104
Shayenne city temporary county seat of,	210 104
governor to appoint commissioners; duties,	212 104
county officers, appointment of,	212 104
BRIBES, offering to members of legislature; penalty,	2 120
same, a misdemeanor; penalty,	3 120
to executive, legislative or judicial officer,	7 720
acceptance of by same,	8 720
offering to court, juror, referee, &c.,	9 720
accepting by same,	10 720
BRIDGE COMPANIES. <i>See</i> CORPORATIONS.	
act as to,	— 399
certificate of intention of incorporating,	290 329
subscription to stock; election of officers,	291 329
treasurer's bond and duties,	292 329
president's duties,	293 329
secretary's duties,	294 329
by-laws how made and altered,	295 330
rates of toll, how fixed and posted,	296 330
compensation of officers, how fixed,	297 330
BRIDGES; county supervisors when to use funds for, <i>See</i> Ch. 53 p. 98, 1863	98 194
<i>See</i> ROADS AND BRIDGES.	
owned by corporation, how and where assessed,	7 230
railroad companies may make,	261 322
BRIGADE COURT, how organized and held,	33 813
powers of,	34 813
BRIGADE INSPECTOR, duties of,	35 814
compensation of,	37 814
BROKER, not to be notary,	98 135
institutions of learning not to do business of,	231 317
railroad companies " " "	244 319
BROTHERS AND SISTERS, order of liability to support pauper,	2 270
BROWN COUNTY, set off from Blue Earth county,	79 87
declared an organized county,	98 89
county seat of at New Ulm,	99 89
governor to appoint county officers in,	99 89
district court to hold one term a year in,	99 89
" " terms of when,	48 485
BROWNSVILLE to be county seat of Houston county,	52 82
BUCHANAN COUNTY created and bounded, May 23, 1857,	176 99
Fortuna temporary county seat,	176 99
governor to appoint commissioners of; duties,	180 99

MINNESOTA STATUTES 1858

	Sec.	Page.
BUCHANAN COUNTY attached to Chisago for judicial purposes,	48	49
BUILDINGS, liens on. <i>See</i> LIENS; MECHANICS' LIENS.		
BURGLARY, armed, and with intent to rob, &c.; with assault,	9	709
not armed nor assaulting,	10	709
upon office, warehouse, &c., or vessel, &c.,	11	709
on building or vessel, with intent to rob, &c.,	12	709
conviction for, compensation to prosecutor and officers,	21	710
forms of indictment for,	3	758
BURIAL. <i>See</i> CEMETERY ASSOCIATION.		
of stranger when county to pay for,	109	171
grounds for, rights of, tombs exempt from taxes,	4	230
village trustees regulate,	138	302
BURNING, &c. <i>See</i> ARSON.		
dwelling at night, and destroying life; punishment,	1	708
same if life not destroyed,	1	708
same in day-time,	2	708
church, court-house, or other public building in night,	3	708
same, in day-time,	4	708
business building, barn, bridge, &c.,	5	708
lumber or vegetable product,	6	709
by married woman, punishable,	7	709
goods to injure insurer,	8	709
BUYING STOLEN GOODS, penalty,	17	710
same, jurisdiction of justice,	18	710
same, crime of receiver,	19	710
BY-LAWS. <i>See</i> CORPORATIONS; and under names of corporations.		
CALENDAR. <i>See</i> CRIMINAL CALENDAR.		
CAMBRIDGE, county seat of Isanti county,	156	96
CAMP EQUIPAGE, how furnished,	36	814
CANAL, malicious injury to, punishment for,	42	714
CANNON RIVER a highway for passage of lumber, &c.,	11	827
dams on to have fixture for passage of lumber, &c.,	12	827
CANOE, salvage on. <i>See</i> SALVAGE.		
CANVASS OF VOTES in election for county seat,	3	112
at general election,	26	142
at same, by clerk of commissioners,	31	143
for presidential electors,	61	149
register of deeds to make,	27	158
at town election, judges to make,	28	183
mode of proceeding at same,	29	183
of election for county building tax,	108	196
at village election,	131	301
CAPIAS AD SATISFACIENDUM, writ of, abolished,	128	548
CAPITAL STOCK. <i>See</i> CORPORATIONS; and under names of corporations.		
CAPTAIN, ENGINEER, &c., of steamboat, death from carelessness of, manslaughter,	18	704
CARDS, gaming with prohibited, (and following sections),	1	727
CARLTON COUNTY, established and bounded, May 23, 1857,	177	99
Twin Lakes temporary county seat,	177	99
governor to appoint commissioners; duties of,	180	99
CARRIER, &c. <i>See</i> COMMON CARRIER.		
embezzlement by, to be larceny,	24	711
CARTWAY, when may be applied for,	13	250
mode of application; survey,	13	250
remonstrance; proceedings,	14	251
width of,	13	251
CARVER COUNTY, boundaries, act of February 20, 1855,	74	86
declared organized; elections in,	87	88
attached to Hennepin for judicial purposes,	87	88
district court to be held in,	87	88
county seat to be San Francisco,	87	88
district court term in, when,	48	484
CASHIER OF BANK. <i>See</i> under BANK.		
CASS COUNTY, created,	1	75
boundaries of, by revised statutes,	9	76
organized only as to justices, constables, &c.,	13	77
attached to Benton county for judicial purposes,	18	77
justices and constables in, number, appointment, term of office,	19	77
attached to Stearns county for judicial purposes,	95	89
CATTLE. <i>See</i> ANIMALS; ESTRAY; MARKS OF ANIMALS.		
CATTLE, &c., malicious killing, maiming, &c., or attempt to do so; punishment,	39	714
CENSUS, of proposed village, how made and verified,	118	299
same, deposited for inspection,	119	299
CERTIFICATE; of first county elections in Chisago county,	7	76
" " " " " Hennepin "	25	78
of election, clerk of county commissioners to give,	31	143
of pay of election clerks and judges,	31	144
of election, where two counties in one district,	36	145

MINNESOTA STATUTES 1858

Lawrence Chap 27 GENERAL INDEX.

	Sec.	Page.
CERTIFICATE, of election to vacancies in certain cases, - - - - -	40	145
" to United States Senate, proceedings with, - - - - -	54	147
" as presidential electors, - - - - -	61	149
on decision of contested election case, - - - - -	74	161
of election, register to make and give, - - - - -	27	168
of county surveyor, to be evidence, - - - - -	84	167
of oath of town officers, how filed, - - - - -	34	184
same, result of neglect to file, - - - - -	35	184
to state of town supervisor's book; form, - - - - -	55	188
by town clerk, of votes for raising money; form, - - - - -	62	189
by town auditors, to town accounts; form, - - - - -	68	190
by same, of claims, &c., against town; form, - - - - -	70	190
relative to tax sales. <i>See TAX CERTIFICATE.</i>		
of election as trustee of religious society, - - - - -	18	280
same, acknowledged and recorded, - - - - -	19	280
of appointment as such trustee, - - - - -	36	282
same, in other case, - - - - -	37	282
of proceedings in Episcopal church, - - - - -	38	282
election of cemetery association trustees, - - - - -	40	284
necessary before shutting opened toll gate, - - - - -	99	296
for village tax deed; contents, - - - - -	167	308
of intention to incorporate emigrant aid society, - - - - -	234	318
same, by railroad company, - - - - -	244	319
same, by company for manufacturing, mining, &c., - - - - -	269	325
of acknowledgment of deed, - - - - -	8	398
same, - - - - -	10	398
same, in foreign country, - - - - -	11	398
by justice to deed unacknowledged, - - - - -	17	399
to deed unacknowledged, permits recording same, - - - - -	23	400
of proof of will, how made, - - - - -	38	430
of marriage, who give; how endorsed, - - - - -	5	460
same, when given; contents, - - - - -	9	461
same, delivered to district court clerk, - - - - -	10	461
same, recorded by clerk; fee, - - - - -	11	461
same, penalty for neglecting, - - - - -	12	461
same, among Quakers, - - - - -	16	461
same, evidence, - - - - -	17	462
by justice, of allowance of appeal, - - - - -	137	517
same, release of defendant on, - - - - -	138	517
of criminal conviction by justice; contents, - - - - -	203	526
same, how filed, - - - - -	204	526
same, evidence how, - - - - -	205	526
for fees of jurors, how audited, countersigned, recorded, - - - - -	26	592
for United States witnesses' fees, who give, - - - - -	51	592
of clerk of court as to liens, in action for partition, - - - - -	17	600
same, if not had, reference to ascertain such liens, - - - - -	18	600
same, reference to liens stated in, - - - - -	19	600
by officer to purchaser at mortgage sale, - - - - -	10	644
same, duplicate filed, - - - - -	11	644
by justice to appellant in forcible entry and detainer, when, - - - - -	19	652
by assignees of insolvent, what required before his discharge, - - - - -	20	657
of justice taking deposition; form thereof, - - - - -	17	676
of judge, to deposition to perpetuate testimony, - - - - -	32	679
of paper, &c., intended to be evidence, must be what, - - - - -	64	683
of land office, how to be evidence, - - - - -	88	686
on copy of survey, renders same evidence, - - - - -	90	687
of register of deeds, authenticates copies of records, - - - - -	97	688
to continue lien beyond sixty days, contents of, - - - - -	15	695
of satisfaction of lien, when to be lodged, penalty for omission, - - - - -	16	696
same, - - - - -	37	699
to commission officers, of appointment, - - - - -	41	815
of surveyor-general of lumber, to be evidence how, - - - - -	37	830
by persons forming limited partnership, contents, - - - - -	4	833
same, acknowledgment, - - - - -	5	833
same, how filed, - - - - -	6	833
same, affidavit of partner filed with, - - - - -	7	833
same, and affidavit partnerships void without, - - - - -	8	833
of service in fire company, for exemption, - - - - -	3	836
of killing wolf, clerk of county commissioner to give, - - - - -	8	852
of intention to establish bank, contents, - - - - -	10	856
same, how acknowledged and recorded, - - - - -	10	856
same, copy of how evidence, - - - - -	11	856
CEMETERIES, how to be laid out, &c., - - - - -	46	285
lots in how sold and conveyed, - - - - -	47	285
powers of village trustees as to, - - - - -	138	302
<i>See CEMETERY ASSOCIATIONS.</i>		
CEMETERY ASSOCIATIONS, <i>See CORPORATIONS.</i>		

MINNESOTA STATUTES 1858

920

GENERAL INDEX.

Probate Commission in 62 p. 116 1864

	Sec. Page.
CEMETERY ASSOCIATIONS, act on, - - - - -	— 284
organization, choice of trustees, officers, - - - - -	40 284
classification of trustees, - - - - -	41 284
certificate of election, - - - - -	42 284
powers on incorporation, - - - - -	43 284
may make by-laws, - - - - -	44 284
trustees, powers of, officers of, - - - - -	45 284
hold real and personal estate how, - - - - -	46 285
lots how sold and conveyed, - - - - -	47 285
annual election for trustees how, - - - - -	48 285
trustees, who may be; vacancies how filled, - - - - -	49 285
notice of election, - - - - -	49 285
special election when, - - - - -	50 285
annual report of trustee, - - - - -	51 285
proceeds of sale of lots, how used, - - - - -	52 286
willful trespass in misdemeanor, - - - - -	53 286
lands exempt from tax and execution, - - - - -	54 286
street not laid through lands of without consent, - - - - -	55 286
lots how inalienable, - - - - -	55 286
who may be interred in grounds of, - - - - -	55 286
exempt from sale under process, - - - - -	90 569
CERTIORARI, when probate judge may issue writ of; fees, - - - - -	80 166
removal of causes by, - - - - -	123 515
application for, by whom, to what court, - - - - -	124 515
recognizance on application for, form, - - - - -	125 515
when to be allowed, - - - - -	126 515
clerk file recognizance and issue writ, - - - - -	127 515
when served, - - - - -	128 515
service to stay proceedings, - - - - -	129 516
affidavit for served with, justice's return to, - - - - -	130 516
justice may be compelled to amend return to, - - - - -	131 516
argument on, when, - - - - -	132 516
judgment on, costs on, - - - - -	133 516
restitution of judgment reversed, - - - - -	134 516
costs to be paid before justice's return, - - - - -	134 517
when justice to return to after leaving office, - - - - -	175 521
CHAIRMAN <i>See</i> COUNTY SURVEYOR.	
CHAIRMAN OF COUNTY COMMISSIONERS, chosen, to sign for board, - - - - -	6 154
certify and sign list of jurors, - - - - -	7 154
sign assessment roll, - - - - -	13 155
sign certificates of jurors' fees, - - - - -	26 592
CHAIRMAN COUNTY SUPERVISORS, statement to county treasurer as to town collectors, - - - - -	141 202
sign ferry license, - - - - -	200 313
CHAIRMAN OF TOWN BOARD to file collector's bond, - - - - -	38 185
to indorse approval on justice's bond and file same, - - - - -	40 185
<i>See</i> TOWN SUPERVISORS, chairman of.	
sell grass on school lands, - - - - -	36 367
CHALLENGE OF VOTES at general election, how made, - - - - -	14 141
how to be met, - - - - -	15 141
judge of election to make, - - - - -	23 142
at town meeting, proceedings, - - - - -	20 182
CHALLENGE OF JUROR in criminal suit, before justice, - - - - -	193 525
of juror in civil actions, who make, - - - - -	17 559
same, joint parties must join in, - - - - -	17 559
same, how directed; but two peremptory, - - - - -	17 559
to grand-jury: may be of panel or individual, - - - - -	13 750
same, of panel, what causes, - - - - -	14 750
same, of individual, for what reasons, - - - - -	15 751
same, entered and tried by court, - - - - -	16 751
same, court decide, clerk record decision, - - - - -	17 751
same, to panel, effect if allowed, - - - - -	18 751
same, to individual, effect if allowed, - - - - -	19 751
to trial jury, is either to panel or individual, - - - - -	4 772
same, several defendants must join in, - - - - -	5 772
to panel of trial jury, is what, who may take, - - - - -	6 772
same, on what founded, - - - - -	7 772
same, when and how taken, - - - - -	8 773
same, exception to, tried by court, - - - - -	9 773
same, decision of court on exception, - - - - -	10 773
same, if exception denied, court try question of fact, - - - - -	11 773
same, examination as to facts alleged in exception, - - - - -	12 773
same, if allowed jury discharged, - - - - -	13 773
to individual of trial jury, defendant informed of right to, - - - - -	14 773
same, is peremptory or for cause, - - - - -	15 773
same, when to be taken, - - - - -	16 773
same, peremptory, how taken, - - - - -	17 773
same, number allowed, - - - - -	18 773

MINNESOTA STATUTES 1858

GENERAL INDEX.

921

	Sec. Page.
CHALLENGE OF JUROR, same, for cause, who may take,	19 773
same, for cause, is what,	20 773
same, general, for cause, what,	21 773
same, particular and for cause, what,	22 774
same, for implied bias, causes of,	23 774
same, for actual bias, cause of,	24 774
same, not justified by exemption of person challenged,	25 774
same, for implied and actual bias, causes how stated,	26 774
same, exception to and denial of,	27 774
same, trial if facts of denied,	28 775
same, triers, how appointed; authority; decision,	29 775
same, oath of triers,	30 775
same, juror challenged may be witness on trial of,	31 775
same, evidence on trial of,	32 775
same, for implied bias, trial how decided,	33 775
same, for actual bias, instructions to triers,	34 775
same, verdict of triers, and effect of,	35 775
same, first by defendant, then by United States,	36 775
order in which each party takes,	37 775
if all disallowed, when defendant may have peremptory,	38 775
CHALLENGE, to fight duel; punishment for,	27 705
accepting or carrying, punishment for,	28 705
CHANGE OF VENUE. <i>See</i> VENUE.	
CHANCELLOR OF UNIVERSITY OF MINNESOTA, how chosen,	9 351
duties,	9 351
CHANCERY. <i>See</i> COURT OF CHANCERY.	
CHANCERY JURISDICTION; given to district courts,	19 460
CHAPLAIN OF STATE PRISON, appointed how,	44 793
CHARGE TO JURY, contents,	22 569
to grand-jury, contents,	25 752
in criminal case, contents,	12 753
CHARITABLE INSTITUTIONS, how exempt from taxes,	4 230
CHARITABLE SOCIETIES, organization, &c., of. <i>See</i> EDUCATIONAL AND CHARITABLE SOCIETIES.	
CHARTERS. <i>See</i> CORPORATIONS; FRANCHISE; and under names of Corporations.	
CHATTEL INTEREST, what,	5 378
CHATTEL MORTGAGES, how filed, <i>Chap. 33 - 1860</i>	3 348
names of parties, how recorded,	4 348
certified copy to be evidence,	5 348
register's fees on,	6 349
CHATTEL REAL, what,	5 378
limitations on,	23 379
future, how may be created,	24 379
CHEATING, punishment for,	34 718
CHENGWATANA, county seat of Pine county,	153 96
CHILDREN. <i>See</i> BASTARD; ILLEGITIMATE CHILD; MINOR; GUARDIAN; WILL.	
order of liability to support pauper parents,	2 270
descent to; <i>See</i> DESCENT; INHERITANCE,	1 412
born after will made, provision for,	26 428
omitted in will, provision for,	27 428
born after or omitted in will; same,	28 429
allowance from intestate estate,	1 433
" for younger than seven years,	1 433
at divorce, order for care of,	18 465
same, how modified,	19 465
same, court may appoint trustees of funds for support of,	22 465
same, order for further support of,	23 465
same, revision of such order,	26 466
born before marriage, legitimized thereby,	28 466
parent, how sue for injury to,	34 535
born after will made, rights and liabilities as to debts, &c.,	32 614
under ten years of age not competent witnesses,	61 681
CHILDREN; death of under correction, when excusable homicide,	6 703
killing of unborn, manslaughter in first degree,	10 703
using means to destroy unborn, when manslaughter in second degree,	11 703
CHISAGO COUNTY, created,	1 75-
boundaries of, by revised statutes,	4 75
first election in,	4 76-
declared an organized county from Jan. 1, 1852,	11 76
seat of justice in, how to be fixed,	14 77
part of included in new county of Pine, March 1, 1856,	143 95-
Pine county attached to for representative and judicial purposes,	144 95
district court term in,	48 484
Buchanan, Kanabec, Pine counties, attached to for judicial purposes,	49 485
CHURCH. <i>See</i> HOUSE OF WORSHIP; RELIGIOUS SOCIETY.	
incorporation, &c., of. <i>See</i> EDUCATIONAL AND CHARITABLE SOCIETIES.	

MINNESOTA STATUTES 1858

	Sec.	Page.
CHURCH WARDENS, election of and duties of; term of office,	38	282
CIRCUS. <i>See</i> PUBLIC SHOWS.		
CITIES, term included in word town,	2	114
may have one county supervisor from each ward,	221	221
same, senior ward councilman to be; exception,	4	230
property exempt from taxation,	7	280
bridge, turnpike, plank or railroad in, assessed where,	11	273
laws as to board of health not infringing on charters,		
CIVIL ACTIONS. <i>See</i> ACTIONS.		
CIVIL OFFICERS, commissions of issued, countersigned, recorded,	4	125
CIVIL OFFICER. <i>See</i> CONSTABLE; SHERIFF.		
indorse time of reception on execution,	91	511
notify sale on execution,	93	511
sale, how made,	94	511
not to be interested in sale,	95	511
summon garnishees,	96	511
receive payment on execution; give receipt,	97	512
service of writ in replevin,	102	512
service of writ of attachment,	110	513
same, compensation for keeping property,	113	514
justice may summon, to assist him on offense on view,	207	527
same, penalty for not assisting,	207	527
action against for escape on civil process, limitation,	9	533
in charge of jury, duty of,	23	559
penalty for sale by an execution without notice,	110	572
suffering voluntary escape of prisoner, punishment,	13	721
suffering negligent escape of same, punishment,	14	721
refusing to arrest and thus permitting escape, punishment,	15	721
refusal of bystanders, &c., to aid, punishment,	16	721
falsely assuming to be, penalty,	18	722
person disguising to interrupt, penalty,	19	722
taking reward by for omitting his duty, penalty,	21	722
duty to disperse unlawful assemblies,	1	723
killing or wounding persons in dispersion of unlawful assembly, guiltless,	6	724
CIVIL PROCESS. <i>See</i> PROCESS.		
CLAIM. <i>See</i> UNITED STATES LAND.		
CLAIMS. <i>See</i> CONTINGENT CLAIMS.		
CLAIMS AGAINST STATE. <i>See</i> AUDITOR OF STATE.		
CLAIMS and accounts against village, audited how,	141	303
same, how made out, vouched, sworn to,	142	304
same, trustees may disallow, or require more proof,	143	304
same, how numbered and recorded,	144	304
same, warrants for, how drawn,	145	304
same, what not to be allowed,	146	304
same, paid how,	147	304
same, papers as to filed how,	148	304
same, not affected by dissolution of village,	190	311
against estates of deceased persons. <i>See</i> COMMISSIONERS ON ESTATE, ETC.		
CLERICAL ERRORS, when disregarded,	2	113
CLERK OF AUDITOR OF STATE, how appointed, tenure of office,	38	128
bond of,	39	129
duty of in auditor's absence,	40	129
salary of,	45	129
CLERK OF CHURCH TRUSTEES, notify of vacancy in board,	27	281
keep register of stated hearers,	30	281
test qualifications of voters at church elections,	30	281
CLERK OF COUNTY COMMISSIONERS. <i>See</i> CLERK OF COUNTY SUPERVISORS.		
of Washington county, duties in Chisago county election,	4	76
of Stearns county, how appointed,	91	88
summons in suit against county, left with,	257	110
process to be served on in suit vs. commissioners,	260	110
to notify district attorney of same,	260	110
to deliver to sheriff, notice of appointment of election judges,	2	139
to canvass vote at general election,	31	143
to give certificate of election,	31	143
to give certificate for pay of election clerks and judges,	31	144
duty if tie in election of county officers,	32	144
to transmit abstract of votes to secretary of state,	33	144
duties of, at election in two counties in one district,	36	145
returns by in elections to fill vacancies,	40	145
not to refuse returns for informality, &c.,	41	145
fine for violation of duty by,	42	146
how to proceed in construing statutes as to returns,	47	146
to provide uniform poll-books for county,	48	146
to furnish copy of election returns to secretary,	34	144
to notify board of vacancy in sheriffalty,	35	145
" " governor of vacancy in legislature,	37	145
to make returns how, of elections to vacancies,	40	145

MINNESOTA STATUTES 1858

GENERAL INDEX.

923

	Sec.	Page.
CLERK OF COUNTY COMMISSIONERS, not to refuse returns for informality when,	41	145
to attest copies of proceedings,	4	152
“ “ assessment roll,	13	155
proceedings on appeal from decision of board,	17	155
register of deeds to be,	19	156
same, his duties and compensation,	25	157
approve constable's bond,	232	222
when advertise unredemmed lands, if failing to do so,	104	244
distribute blank forms as to taxes, &c.,	114	245
notify of formation of school district,	61	358
same, re-issue notice,	62	358
charge county treasurer amount of penalties under town plot laws,	11	371
provide standard weights and measures when,	6	372
notify election to vacant justiceship,	165	520
keep record of jurors' certificates,	26	592
issue certificates for killing wolf,	8	852
keep record of same,	9	852
record appointments of auctioneers,	2	852
CLERK OF COUNTY SUPERVISORS. <i>See</i> CLERK OF COUNTY COMMISSIONERS.		
furnish blanks to assessors,	127	199
furnish same with list of taxable lands,	127	199
to correct and copy assessment roll; fees,	133	200
send aggregate tax valuation, &c., to state auditor,	136	201
account to county treasurer as to town collectors,	141	202
furnish list of liquor licenses to grand jury,	24	342
CLERK OF COURT, when may grant orders of publication,	130	174
when enter judgment on failure to answer,	173	555
when make order for writ of inquiry of damages,	173	555
when enter cause on calendar,	8	558
how draw jury,	14	558
duty at giving verdict,	33	567
enter judgment, how,	67	565
keep judgment book,	72	566
same, entries in,	73	566
make up judgment roll; contents,	75	566
docket of; contents,	78	566
give witness for United States certificate for fees,	51	594
keep register of actions; contents,	40	630
make up judgment roll on removal, &c., of attorney, how,	30	669
may issue subpoenas; form thereof,	1	675
certificate of on exemplification of justice's judgment,	59	682
when receive papers on deposit, and receipt therefor,	67	683
when issue subpoenas to appear before register and receiver of land office,	98	688
issue bench warrant for defendant not appearing,	5	762
deliver sheriff transcript of conviction,	4	779
deliver sheriff copy of record in capital conviction,	7	780
CLERK OF DISTRICT COURT, duty at contested elections, <i>See</i> <i>cont. election</i> <i>3-27</i>	71	150
county commissioners provide office, books, &c., for, <i>1943/12/61</i>	11	154
act as to duties, &c., of,	—	173
where to keep office,	120	173
same,	132	175
oath and bond of,	121	173
oath of,	127	174
who may sue on bond of,	122	173
violation of duty by; penalty,	122	173
his duties what,	123	174
may appoint deputy; judge to sanction,	124	174
deputy's oath; may be removed,	125	174
“ duties, if clerk absent,	126	174
duties, powers, compensation, as by revised statutes,	128	174
when to execute bond and take oath,	133	175
deputy when to take oath; penalty of failure,	134	175
copies sealed by; to be evidence,	135	175
how long to hold office,	136	175
when to direct process to coroner,	98	169
issue writ of restitution of vessel, &c., when,	4	256
direct sheriff to sell same, when,	6	257
pay fees, &c., on vessel, &c., found,	7	257
record description and appraisal of estrays,	18	262
send printer copy of record, when,	19	262
keep register of estrays,	28	263
fee on report of finding to justice,	27	263
order sale of church property when; proceedings,	32	281
same, notice,	32	281
appeal to from plank, &c., road appraisal,	80	292
when permit plank road, &c., company to take lands of, appeal,	83	292
appeal on removal of place of toll-gate,	89	293

MINNESOTA STATUTES 1858

924

GENERAL INDEX.

	Sec.	Page.
CLERK OF DISTRICT COURT. Order incorporating village, when and how made,	123	299
may take acknowledgments of deeds, &c.,	75	406
notify governor of judge's illness,	6	478
adjourn court if judge not present,	7	479
indorse all writs, process, &c.,	14	479
keep book to record change of names of towns,	38	483
file copy of official bond,	44	488
file copy of order for holding term of district court,	54	488
same,	57	486
audit expenses of court, and issue certificate for same,	58	486
demand records, &c., from clerk of district court of territory,	64	487
file transcript of justice's judgment, when,	87	510
fees of, act fixing,	1	582
certify as to general liens, in partition suit,	17	600
how hold security for proceeds of partition sale,	46	603
collect interest on same; keep account of same,	48	603
send up what papers on appeal,	6	623
indorsement on confession of judgment,	3	642
duties as to drawing grand-jury, (and next sections,)	5	750
duties as to summoning same,	7	750
when furnish copy of depositions before grand-jury,	51	754
duty in drawing trial jury (and following sections,)	6	770
prepare criminal calendar; contents thereof,	1	771
keep register of criminal actions; contents,	4	771
when submit same to court,	5	771
when exceptions taken, file record in supreme court,	10	778
record verdicts; read to jury; proceedings if juror disagree,	24	784
issue blank subpoenas as requested,	31	784
approve bond by person erecting dam, on appeal,	11	848
approve bond by appellant, on same,	12	848
CLERK OF GENERAL ELECTION, appointed,	2	139
same,	3	139
oath of,	7	140
furnish necessary stationery,	10	140
keep poll-list,	19	141
compare same,	20	141
what statement to make,	28	142
fine if fails to deliver poll-book,	30	143
compensation of, how certified and paid,	31	144
" amount,	38	145
fine for violation of official duty,	42	146
<i>And see under ELECTION.</i>		
CLERK OF HOUSE OF REPRESENTATIVES, when to send laws approved, to printer,	24	117
shall be chosen,	7	120
keep and deposit journals and papers of house,	8	120
index and publish journals of house,	9	120
copy messages and documents,	9	121
make roll of members,	10	121
call house to order at next session,	11	121
same, modified mode,	26	123
elected; when may have assistant,	27	123
oath of,	28	123
term of office,	29	123
attest certificate of members' compensation,	12	121
call roll of joint convention,	53	147
enter vote for U. S. senator on journal,	54	148
attest certificate of election to U. S. senate,	54	147
supervise printing of journal,	2	267
supervise incidental printing of house,	5	267
CLERK OF PROBATE COURT, act as to,	—	495
probate judges may appoint,	47	495
appointment how made,	48	495
where keep office,	49	495
bond of; oath of,	50	495
liable to action for violation of duty,	51	495
duties of,	52	495
CLERK OF SCHOOL DISTRICT. See under SCHOOL DISTRICT.		
CLERK OF STATE PRISON, appointed how,	44	793
attest minutes of inspectors,	50	794
salary of,	55	794
bond of,	58	794
exempt from military and jury duty,	85	796
CLERK OF SUPREME COURT, record absence of judge,	8	475
when adjourn from day to day,	9	475
file copies of official bonds of certain officers,	45	483
certificate if to official acts evidence,	46	483
fees of, act fixing,	3	584

MINNESOTA STATUTES 1858

GENERAL INDEX.

925

	Sec. Page.
CLERK OF SUPREME COURT, when make certificate of issuing of writ of error, - - - - -	25 623
CLERK OF TOWN MEETING, who to be, - - - - -	18 182
to keep, sign and file minutes, - - - - -	22 183
to keep poll list, - - - - -	26 183
to read result of election, - - - - -	30 183
to notify those chosen, - - - - -	31 183
CLERK OF VILLAGE, how elected, - - - - -	133 301
when and how call special meetings, - - - - -	186 301
notify correction of assessment roll, - - - - -	158 300
duties of, (and next sections,) - - - - -	179 309
to record what documents, - - - - -	180 309
compensation of, - - - - -	181 310
CODICIL, term included in word will, - - - - -	2 114
COLLECTOR. <i>See</i> COUNTY COLLECTOR; TOWN COLLECTOR; TAX COLLECTOR.	
when governor may remove, - - - - -	5 247
COLLEGES, incorporation, &c., of. <i>See</i> EDUCATIONAL AND CHARITABLE SOCIETIES; INSTITUTIONS OF LEARNING.	
incorporated, may confer degrees, - - - - -	58 257
how made branches of university, - - - - -	18 352
COLORS FOR MILITIA, how furnished, - - - - -	36 814
COMMANDANTS OF MILITIA, when call out troops to aid civil authorities, &c., - - - - -	28 811
COMMANDER-IN-CHIEF OF MILITIA, may organize commissary department, - - - - -	56 822
may organize medical department, - - - - -	57 823
cause militia laws to be published, - - - - -	64 824
COMMISSIONS TO CIVIL OFFICERS, issued, countersigned, recorded, - - - - -	4 125
to appointees to vacant office in gift of legislature, - - - - -	7 126
COMMISSION to aid governor in selecting state lands, - - - - -	20 846
to select salt springs and state lands, - - - - -	21 846
to take depositions, justice issue when, - - - - -	57 505
same, parties may agree to, - - - - -	57 505
same, how granted, - - - - -	58 505
same, how executed and returned, - - - - -	59 505
same, subpoenas for witnesses, - - - - -	60 505
same, adjournment of suit on, - - - - -	61 505
same, justices' fee on, - - - - -	62 506
to take testimony, how issued, - - - - -	25 677
when issued, - - - - -	26 678
depositions how taken by, - - - - -	27 678
rules as to, court may make, - - - - -	28 678
for perpetuating same, how issued, - - - - -	39 679
same, against all persons, how issued, - - - - -	44 680
same, directions in commission, - - - - -	46 680
COMMISSIONER. <i>See</i> COURT COMMISSIONER.	
to acknowledge deed, power, - - - - -	9 398
governor to appoint; powers of, - - - - -	46 403
same, - - - - -	47 403
acts of under seal, valid, - - - - -	48 403
administer oaths and take depositions, - - - - -	49 403
oath of office; filing of description of seal, - - - - -	50 403
COMMISSIONERS, to appraise land for turnpike or plank road, application for, - - - - -	73 290
same, how appointed, - - - - -	74 290
same, proceedings and award, - - - - -	75 290
same, when appoint agent for owner, - - - - -	76 291
same, powers and duties of; fees of, - - - - -	78 291
same, award when to be paid, - - - - -	80 292
for assignment of dower; oath and duties of, - - - - -	10 405
appointment of, - - - - -	9 408
fees of, - - - - -	25 591
to compile statutes, names, duties, - - - - -	28 118
on estates of deceased persons, when and how appointed, - - - - -	1 440
appoint time and place of meeting; notify same, - - - - -	2 440
newspaper for publishing notice, how chosen, - - - - -	3 440
dying, removing, declining, substitute, - - - - -	4 440
time for presenting claims to, (and next sections,) - - - - -	5 440
commission renewed how, - - - - -	7 440
judge of probate when act as, - - - - -	8 441
allow set-off; not allow outlawed claim, - - - - -	9 441
oath of; may examine witnesses on oath, - - - - -	10 441
report of, - - - - -	11 441
what claims and demands decided by, - - - - -	12 441
appeal from decision of. <i>See</i> APPEAL, &c., - - - - -	— 442
not appointed, claims how enforced, - - - - -	59 447
to lay off towns, governor to appoint, - - - - -	1 178
duty of; proceedings; (and following sections), - - - - -	2 178
on mill-dam, how appointed, - - - - -	3 847
oath of, - - - - -	4 847
notify meetings, - - - - -	5 847

*To revise statutes Chap 25 to 60 1860
 of statutes Chap 17 to 107 1860 & Chap 46 to 10
 1861*

MINNESOTA STATUTES 1858

	Sec. Page.
COMMISSIONERS, on mill-dam, notice how given,	6 847
proceedings at meeting; assess damage,	7 847
when file report,	8 847
not allow exemplary or vindictive damages,	14 848
in partition and distribution of estates; appointment and oath,	5 450
when estate in different counties,	6 450
proceedings when land or house not divisible without injury,	11 451
when estate to be divided lies in common, to be severed,	12 451
notify persons interested, of partition,	13 451
report how made and recorded,	14 451
appeal from,	17 452
partition by when conclusive,	18 452
to take testimony, fees of,	4 584
to take testimony to be used abroad; proceedings before,	49 681
COMMON CARRIER, may have benefit of lien law,	10 695
<i>See CARRIER.</i>	
COMMON JAIL. <i>See JAIL.</i>	
COMMON LAW OF OTHER STATES, how made evidence,	57 682
COMMON SCHOOLS. <i>See STATE NORMAL SCHOOLS; SCHOOL LANDS.</i>	
superintendent of; his duties,	— 135
annual report to be made on,	103 135
superintendent to select text-books for,	104 135
“ visit,	104 135
finer for furnishing liquor to Indians, given to,	4 339
finer for violation of liquor traffic law, given to,	20 341
penalties on bonds under same law given to,	21 341
act to establish and maintain,	— 357
county commissioners to lay off districts,	59 357
tax for, how laid and collected,	59 357
districts how may be altered,	59 357
funds set apart for from county treasury,	60 357
notice to district of formation,	61 358
same, when re-issued,	62 358
district, who vote in,	63 358
same, powers of,	64 358
same, librarian of,	65 359
same, tax how assessed,	66 359
same, annual meeting; special meeting,	67 359
same, duties of clerk,	68 359
same, school funds how apportioned to,	69 359
same, duties of trustees,	70 360
same, trustees' account to successors,	71 360
same, trustees pay over money to successor,	72 360
same, suit against clerk for delinquency,	73 360
same, school money besides apportionment of fund,	74 360
same, return of inhabitants, how made on failure of clerk,	75 361
same, two or more may establish grammar school,	76 361
teacher of, keep register,	77 361
acts connecting with chartered institutions, repealed,	78 361
districts, trustees how draw county money,	79 361
same, county treasurers how pay money to,	80 361
lands for. <i>See SCHOOL LANDS.</i>	
finer for injuring trees, &c., on highway, given to,	5 369
finer for forcible entry and detainer, given to,	16 652
finer for unlawfully removing logs, &c., given to,	8 827
finer for killing deer, &c., given to,	1 850
finer for killing game, &c., given to,	2 850
finer for taking trout, &c., given to,	5 850
finer for circulating illegal currency, given to,	48 863
same,	50 863
COMMONS, of towns, when partition of,	81 192
COMMUTATION of road tax, rate; use of,	168 208
not made till payment,	169 208
COMPANIES OF MILITIA. <i>See under MILITIA.</i>	
COMPENSATION. <i>See FEES; SALARY; SALVAGE.</i>	
of officers of legislature, how certified,	12 121
“ “ rate of,	14 121
of election clerks and judges, certified,	31 144
of presidential electors,	67 150
of officers of election for presidential electors,	68 150
of register, as clerk of commissioners,	25 157
of county treasurer on money paid and received,	45 160
of substitute for district attorney,	71 164
of county surveyors,	93 168
of assessors, rate; fixed by whom,	118 173
of town officers, how audited,	69 190
same, rates of, (and next section),	72 190

MINNESOTA STATUTES 1858

GENERAL INDEX.

927

	Sec. Page.
COMPENSATION, of town officers, how may be increased at town meeting, - - - - -	73 191
same, a town charge, - - - - -	85 192
of town overseers of poor, audited and paid, - - - - -	110 196
of county supervisors, how audited and paid, - - - - -	111 196
county treasurer's as to delinquent taxes, - - - - -	117 198
same, for receiving and paying state tax, - - - - -	121 198
of town collector, - - - - -	139 201
of highway overseer, - - - - -	179 210
of county supervisor for hearing road appeal, - - - - -	200 217
fence viewer, - - - - -	253 227
finder of lost money or goods, - - - - -	12 261
for keeping estrays, - - - - -	29 263
for work done by stray, - - - - -	30 263
of finder of property adrift, &c., - - - - -	40 264
of village officers, trustees fix, - - - - -	138 303
village assessor, - - - - -	157 306
" marshal, - - - - -	162 307
" treasurer, - - - - -	178 309
" clerk, - - - - -	182 310
" street commissioners, - - - - -	184 310
bridge company officers, how fixed, - - - - -	297 330
officers of deaf and dumb asylum, how fixed, - - - - -	48 356
executor or administrator, (and next section,) - - - - -	10 449
supreme court reporter, - - - - -	13 476
civil officer, on writ of attachment, - - - - -	113 514
of militia officers, what; how paid, - - - - -	37 814
of officers of corporations. <i>See under names of corporations.</i>	
COMPETENCY OF WITNESS. <i>See WITNESS.</i>	
COMPILATION OF LAWS, 1858. <i>See LAWS, COMPILATION, &c.</i>	
COMPLAINT. <i>See PLEADINGS.</i>	
by highway overseer as to labor not paid, - - - - -	173 209
proceedings, (and next sections,) - - - - -	174 209
by board of health, for removal of nuisance, - - - - -	7 273
same, proceedings, - - - - -	8 273
to justice, to have toll-gate opened, proceedings, - - - - -	98 296
to same, for ill repair on road, in next county, - - - - -	100 296
of mother of bastard, - - - - -	1 343
for trespass on school lands, how worded, - - - - -	13 364
by corporate authorities for title to town site, - - - - -	10 388
for divorce, how brought, contents, - - - - -	10 464
same, contents of, - - - - -	11 464
for embezzling property of ward, proceedings, - - - - -	25 470
for ill treatment of apprentices, proceedings, (and following sections), - - - - -	12 472
for unlawful departure of apprentice, proceedings, (and following sections), - - - - -	19 473
for misbehavior of apprentice, proceedings, (and following sections), - - - - -	23 473
in justice suit, what contain, - - - - -	27 501
same, verified how, - - - - -	32 501
same, allegations not denied taken as true, - - - - -	33 502
to district court, for withholding justice's books, &c., - - - - -	171 521
same, proceedings on, - - - - -	172 521
for criminal offense, to justice, proceedings, (and following sections), - - - - -	181 524
criminal, before justice, complainant when pay costs, - - - - -	198 525
same, complainant when recognize to appear on appeal, - - - - -	199 526
same, complainant not so recognizing, liable for costs, - - - - -	200 526
for assault, battery, or affray, may be to justice, - - - - -	206 526
criminal, before justice, complainant when give security for costs, - - - - -	214 527
copy of, how served or filed in commencing action, - - - - -	51 537
same, when mailed to defendant, - - - - -	55 539
first pleading of plaintiff is called, - - - - -	63 540
contents of, - - - - -	64 540
demurrer to. <i>See DEMURRER.</i>	
amended on demurrer, copy how served, - - - - -	67 540
when objected to by answer, - - - - -	68 540
in district court, must be answered in twenty days, - - - - -	48 630
against vessel, &c., how filed, - - - - -	3 647
same, what to contain, - - - - -	4 647
same, proceedings on, (and following sections), - - - - -	5 648
same, who may answer, - - - - -	7 648
for forcible entry and detainer, proceedings, (and following sections), - - - - -	3 650
where claim of lien, contents, - - - - -	1 693
same, contents where work was done for contractor, - - - - -	2 693
for threatened offense, proceedings, (and next sections), - - - - -	2 740
COMPOUNDING OFFENSE, person guilty of indicted, though principal not, - - - - -	23 761
CONFESSION OF JUDGMENT. <i>See JUDGMENT BY CONFESSION.</i>	
CONFLICTING LAWS, session of March, 1851, revised statutes to prevail over, - - - - -	18 116
chapters of revised statutes, which to prevail, - - - - -	19 117
sections of chapter, which to prevail, - - - - -	20 117

MINNESOTA STATUTES 1858

	Sec. Page.
CONGREGATION. <i>See</i> RELIGIOUS SOCIETY.	
CONGRESS. <i>See</i> UNITED STATES SENATOR.	
member of, cannot be governor, - - - - -	11 126
governor to call election if place vacant, - - - - -	85 145
delegate to, when elected, - - - - -	1 139
same, where to be voted for, - - - - -	13 141
CONSIDERATION. <i>See</i> VALUABLE CONSIDERATION.	
CONSIGNEE, record description of consignments, - - - - -	48 265
notify owner of same by letter, - - - - -	49 265
may answer complaint against vessel, &c., - - - - -	4 648
CONSTABLE. <i>See</i> CIVIL OFFICER.	
in Itasca, Wabasha, Dakota, Cass and Pembina counties, number, appointment, term of office, - - - - -	19 77
duties and bonds of, in same counties, - - - - -	20 77
in Pierce, Sibley, Rice and Goodhue counties, number, appointment, term of office, - - - - -	39 80
in Dakota, Wabasha, Fillmore, Scott, Le Sueur, Blue Earth and Nicollet counties, appointment, term of office, - - - - -	40 80
must serve and return notary's process, when to be elected, - - - - -	97 134
where to be voted for, - - - - -	1 139
duty of at elections, - - - - -	13 141
special, judges of election may appoint, to execute coroner's warrant for jury, - - - - -	24 142
same, penalty of failure, - - - - -	24 142
when chosen, length of term, - - - - -	101 169
to be chosen by ballot, - - - - -	101 169
actions on bond of, limitation of, - - - - -	14 180
effect of neglect to take oath and give bond, - - - - -	23 183
penalty for acting before taking oath, term of office, - - - - -	41 185
duty on highway overseer's complaint, (and next sections), - - - - -	42 186
bond of, form, - - - - -	45 186
duties of, fees of, - - - - -	46 186
serve search warrant for wrecked, &c., property, to sell estray at auction, when; fees, - - - - -	175 209
same, - - - - -	232 222
notify and make sale of unclaimed property, return on same, - - - - -	232 222
fees on same, - - - - -	14 252
notice to pauper to leave county; return, abate nuisance under warrant, - - - - -	7 261
remove and provide for infected person, duty to complain of furnishing liquor to Indians, - - - - -	22 262
complain of violations of liquor traffic law, duty in protecting school lands, - - - - -	54 266
same, - - - - -	55 266
special, when deputized in trespass on school lands, indorsement on warrant in same, at return, - - - - -	61 266
summon jury on same, - - - - -	7 271
have charge of jury, at trial of same, - - - - -	8 273
how levy execution on same, - - - - -	11 273
duty when same execution satisfied, fees on trial for trespass on school lands, - - - - -	3 399
how return process of justice, - - - - -	21 341
may not appear in justice court for party when, - - - - -	3 363
summon justice's jury how, - - - - -	6 363
same, - - - - -	15 363
indorse on execution time of receiving it, justice has jurisdiction of suits on bond of and for misconduct, - - - - -	16 364
when make list of justice's jury in criminal case, - - - - -	20 365
summon same, (and next section,) - - - - -	23 365
summon bystanders to complete same, - - - - -	31 366
have charge of same while finding verdict, execute justice's judgment in criminal suit, - - - - -	32 367
action against for official misconduct, limitation of, fees of, act fixing, - - - - -	34 367
" if attending cause by order of justice, - - - - -	12 499
CONSTRUCTION, of statutes, rules for, - - - - -	19 500
of words and phrases, (<i>and see</i> DEFINITION,) - - - - -	64 506
technical words, - - - - -	68 507
singular and plural number, - - - - -	91 511
masculine and feminine gender, - - - - -	177 521
words giving joint authority, - - - - -	188 524
" "grantor" and "grantee," - - - - -	189 525
" "highway," - - - - -	190 525
" "insane person," - - - - -	195 525
" "issue," to include all lawful lineal descendants, - - - - -	201 526
	7 533
	10 588
	23 591
	2 113
	2 113
	2 113
	2 113
	2 114
	2 114
	2 114
	2 114
	2 114

	Sec.	Page.
CONSTRUCTION, words, "land" or "lands," and "real estate,"	2	114
words, "month" and "year,"	2	114
" "oath" and "sworn,"	2	114
" "person," to include bodies politic and corporate,	2	114
" "preceding" and "following,"	2	114
" "seal," on paper from court, &c.,	2	114
" "town," may include all cities and districts,	2	114
" "will," to include codicils,	2	114
" "written" and in "writing,"	2	114
" "real estate" and "land,"	2	229
" "personal property," and "personal estate,"	3	229
CONTAGIOUS DISEASE. See INFECTED PERSON.		
CONTEMPT, of legislature; what; punishment,	2	120
same, to be misdemeanor; punishment,	3	120
of court, by witness as to deed unacknowledged,	20	399
justice may punish for when,	151	519
of justice's court, how punishable,	152	519
same, offender to be heard before punishment,	153	519
same, summary arraignment for when,	154	519
same, form of warrant,	155	519
same, justice's record of conviction,	156	519
same, warrant of commitment to set forth what,	157	519
same, form of record of conviction,	158	519
same, witness not appearing, guilty of; penalty; costs,	162	520
same, by juror or witness, in criminal cases, penalties,	202	528
party confined for, remanded on writ of <i>habeas corpus</i> ,	41	637
laws as to,	—	662
defined,	1	662
what court and judicial officer may punish,	2	663
when summarily punished; how,	3	663
warrant of arrest for,	4	663
by party imprisoned, he may be brought up to answer,	5	663
when court decide as to bail,	6	664
warrant of arrest for, how executed,	7	664
bail on arrest for, how given,	8	664
return on warrant,	9	664
same, failure to make, contempt by officer,	9	664
warrant how executed,	10	664
appearance, proceedings on,	11	664
judgment what to be,	12	664
indemnity to party injured by,	13	664
by omission to perform act, how compelled to perform it,	14	664
persons proceeded against for, liable also to indictment,	15	664
second warrant for,	16	665
illness an excuse for non-appearance,	17	665
by non-attendance of witness; fine,	5	675
same, attachment for,	6	675
violation of law as to secrecy of depositions before grand-jury, to be,	50	754
disclosing fact of presentment or indictment before same,	52	754
CONTESTED ELECTION. See ELECTION, CONTESTED.		
CONTESTED SEATS IN LEGISLATURE, decision by whom,	6	120
CONTINGENCY, remainder on; operation of,	27	379
remainder not limited on,	29	380
of death, future estate on, how defeated,	31	380
CONTINGENT CLAIMS, against estate, presented how,	45	445
when estate reserved for,	46	445
becoming absolute, how presented,	47	445
how paid if allowed,	48	445
when presented to probate court,	49	445
when recoverable of heirs,	50	446
executor, &c., how defend,	51	446
" when discharged,	52	446
heirs, &c., how liable; limitation of suit,	53	446
contribution for,	54	446
parties how added in suit for,	55	446
chancery suit for,	56	447
contribution for on death of one heir, &c.,	58	447
CONTINGENT FUTURE ESTATE, what,	13	378
CONTINGENT REMAINDER, in fee, how created,	16	378
same, in term for years, what allowed,	20	379
CONTINUANCE OF, trial for trespass on school lands,	33	367
CONTRACTOR. See under LIEN.		
CONTRACTS, towns may make,	10	180
relating to land, when may be recorded,	68	405
same, register must record,	69	406
same, effect of when recorded,	70	406
same, register's fees for recording,	71	406

MINNESOTA STATUTES 1858

930

GENERAL INDEX.

	Sec. Page.
CONTRACTS , to purchase land, sold how by executor, &c.,	27 421
same, conditions of sale,	28 421
same, bond on sale of,	29 421
same, assigned after sale,	30 421
same, proceeds of sale of how used,	31 421
joint estates of deemed liable for,	19 442
same, contribution from parties to,	19 442
to convey; how enforced after death of party, <i>See EXECUTORS AND ADMINISTRATORS,</i>	
CONVEYANCE BY,	
fraudulent. <i>See FRAUDULENT CONVEYANCES AND CONTRACTS.</i>	
what void unless in writing,	8 454
may be signed by agent,	9 457
not to set up trade, not to be made with apprentice,	26 474
to convey, by lunatic or drunkard, when guardian may make,	37 493
suits on in justices' courts; pleadings,	118 515
actions on, when must be commenced,	6 532
new or continuing, evidence of must be in writing,	23 534
limitation of action on, runs from last payment,	24 534
CONTRIBUTION ; one stockholder when enforce from others,	324 333
by devisees and legatees, when,	35 430
person liable to dead or insolvent, whence paid,	36 430
probate court may fix share of, &c.,	37 430
from parties to joint contract, after death of one,	19 442
for contingent claim by devisees and legatees,	54 446
same, if one heir, &c., dead, by others,	58 447
by several defendants, how compelled,	121 574
compelled by next of kin from others, for payment to creditor,	13 611
heir or legatee may have from others sued with him,	27 613
CONVENTION , joint, of legislature. <i>See JOINT CONVENTION.</i>	
CONVEYANCE. <i>See DEED; TAX DEED.</i>	
to counties; force of,	252 100
same, may be made how,	93 193
for benefit of towns,	12 180
fraudulent. <i>See FRAUDULENT CONVEYANCE.</i>	
to trustees for use of church,	35 282
of cemetery lots, purpose expressed,	47 285
to one person, and consideration by another, causes no trust,	7 382
same, fraudulent as against creditors,	8 382
same, exception to rule,	9 382
to trustees of express trust, effect of omitting declaration of in,	20 383
same, if declaration contained, what acts of trustees void,	21 384
of town sites by authorities, directed,	1 385
same, how made,	2 385
same, payments required before making,	12 389
same, when executed,	13 389
same, refusal of, penalty,	19 390
what grantor may reserve in,	33 394
power how granted in,	34 394
what instruments deemed,	41 394
how made,	1 397
by husband and wife, of her estate,	2 397
by quitclaim and release,	3 397
by tenant for life, or years, convey what,	4 397
no covenant implied in,	5 397
of land adversely possessed, not void,	7 398
by husband and wife, how acknowledged,	12 398
same, wife being non-resident; and acknowledgment, what,	13 398
not recorded, how void,	24 400
and transcripts of record of same, how evidence,	26 400
absolute, how not defeasible,	27 400
term defined,	30 400
term not to include what,	31 401
scroll or device may be seal of,	34 400
formerly executed, to be valid,	35 401
made abroad, valid,	40 402
same, having only one witness, valid,	41 402
same, register record, when,	42 402
formerly made, with only one witness, valid,	62 403
to be recorded, otherwise how void,	54 404
how executed, to be recorded,	57 404
recorded how,	58 404
conditional, register how discharge,	59 404
penalty for recording not duly signed, &c.,	60 405
term defined,	63 405
before patents received, binding,	66 405
certain acknowledgments legalized,	74 406
clerks of district courts and judges of probate may take acknowledgments of,	75 406

MINNESOTA STATUTES 1858

GENERAL INDEX.

931

	Sec. Page.
CONVEYANCE of right of dower, how made, - - - - -	13 408
by executors, &c., how made, bond on, - - - - -	32 421
by executors, &c. See EXECUTORS AND ADMINISTRATORS, conveyance by.	
meaning of term, as to fraudulent contracts, &c., - - - - -	7 459
contracted for by lunatic or drunkard, guardian may make, - - - - -	37 498
at sale on partition of estate, how recorded, bar who, - - - - -	43 603
same, bar what claims, - - - - -	44 603
CONVICT quick with child, how respited, - - - - -	8 780
COPIES , when evidence, - - - - -	135 175
certified by town clerk, when evidence, - - - - -	65 189
certified by auditor, when evidence, - - - - -	31 128
certified of justice's and constable's bond, when evidence, - - - - -	40 185
town clerk's fees for, - - - - -	72 191
CORONER , when elected, - - - - -	1 139
may resign before oath, &c., - - - - -	35 144
not to be attorney, &c.; penalty, - - - - -	63 163
obligations when acting as sheriff, - - - - -	65 163
act as to election and duties of, - - - - -	— 168
term of office, bond, - - - - -	95 168
when to act as sheriff, - - - - -	96 168
to keep jail when sheriff imprisoned, - - - - -	96 169
to serve process when sheriff party, - - - - -	97 169
same, when affidavit of sheriff's partiality, - - - - -	98 169
to take inquest on view, unless when death by violence, - - - - -	99 169
when to summon jury; form of summons, - - - - -	100 169
constable to execute warrant; penalty, - - - - -	101 169
penalty for delinquency by juror; coroner to sue, - - - - -	101 169
oath to jury; form of, - - - - -	102 170
may subpoena witnesses, - - - - -	103 170
oath to witnesses; form, - - - - -	104 170
evidence before, to be written and signed, - - - - -	105 170
inquisition, form of, - - - - -	106 170
if crime, to bind over witnesses, - - - - -	107 170
“ “ to return evidence, and commit recusant witness, - - - - -	107 170
“ “ to issue process for criminal, - - - - -	108 171
to cause body of stranger to be buried, - - - - -	109 171
may appoint deputy; his oath, - - - - -	110 171
when governor may remove, - - - - -	4 247
when county commissioners fill vacancy, - - - - -	7 247
must serve process of probate court, - - - - -	16 491
action against for official misconduct, limitation of, - - - - -	7 533
fees of, - - - - -	9 538
CORPORATE AUTHORITIES OF TOWN. See TOWN AUTHORITIES.	
CORPORATIONS. See ARTICLES OF INCORPORATION; BANKS; BRIDGE COMPANIES; CEMETERY ASSOCIATIONS; COUNTY MEDICAL SOCIETIES; EDUCATIONAL AND CHARITABLE SOCIETIES; EMIGRANT AID SOCIETIES; FERRIES; GAS LIGHT COMPANIES; INSTITUTIONS OF LEARNING; LAND DRAINAGE COMPANIES; MANUFACTURING AND MINING COMPANIES; MUTUAL INSURANCE COMPANIES; PLANK ROAD AND TURNPIKE COMPANIES; RAILROAD COMPANIES; RELIGIOUS SOCIETIES; VILLAGES.	
violating laws, attorney-general to prosecute, - - - - -	75 132
such prosecutions to be in supreme or district courts, - - - - -	76 132
real estate and stock of, where assessed, - - - - -	126 199
real estate of, where assessed, - - - - -	7 230
charitable, literary, &c., how exempt from taxes, - - - - -	4 230
personal estate of, where assessed; liable for tax, - - - - -	12 231
personal property of member liable for tax, - - - - -	12 231
stockholder not taxed on stock taxed as capital, - - - - -	13 231
general provisions as to, - - - - -	— 330
for pecuniary profit, how created, - - - - -	299 330
same, powers, - - - - -	300 330
same, articles of incorporation when recorded, - - - - -	301 330
same, file articles in secretary's office, - - - - -	302 330
same, articles to limit indebtedness, - - - - -	302 330
same, notice of proposed corporation, - - - - -	303 331
same, notice what to contain, - - - - -	304 331
same, when commence business, - - - - -	305 331
same, articles of incorporation how changed, - - - - -	306 331
same, how long to exist, - - - - -	307 331
same, how dissolved, - - - - -	308 331
same, publication prior to dissolution, - - - - -	309 331
same, by laws how posted, - - - - -	310 331
same, statement of stock, &c., how posted, - - - - -	311 331
same, intentional fraud as to, penalty, - - - - -	312 331
same, diversion of funds to be fraud, - - - - -	313 331
same, dividends in good faith not fraud, - - - - -	314 332
same, when stockholders liable for debts, - - - - -	315 332
same, charters how forfeited, - - - - -	316 332

*may amend
their charter
chap 52 p
104, 1464*

*may have
charter set
before
p 119*

*h
1861*

MINNESOTA STATUTES 1858

	Sec. Page.
CORPORATIONS, for pecuniary profit; false books, &c., a misdemeanor, - - - - -	317 332
same, transfers of shares; books how kept, - - - - -	318 332
same, dissolved by non-user of franchise, - - - - -	319 332
same, close up business after expiration of charter, - - - - -	320 332
same, stockholders liable for unpaid installments, - - - - -	321 332
same, private property of stockholders when exempt, - - - - -	322 332
same, defendant may point out corporate property for levy, - - - - -	323 333
same, stockholder may recover from company, - - - - -	324 333
same, sinking fund, - - - - -	325 333
same, effect of sale of franchise under execution, - - - - -	326 333
same, books to be produced on action, - - - - -	327 333
same, single individual may be, - - - - -	328 333
same, persons acting as, presumed legally such, - - - - -	329 333
same, want of legal organization as, no defense, - - - - -	330 333
same, previous to act, what required of, - - - - -	331 333
not for pecuniary profit, provisions as to, - - - - -	— 334
same, how formed, - - - - -	334 334
same, how far subject to laws as to other corporations, - - - - -	334 334
same, articles recorded but not published, - - - - -	335 334
same, dividend only at dissolution, - - - - -	336 334
same, academical, may confer usual degrees, - - - - -	337 334
same, not to exercise banking powers, - - - - -	338 334
general powers and liabilities of, - - - - -	— 334
powers of, - - - - -	339 334
make what by-laws; prescribe what penalties, - - - - -	340 334
first meeting, how called, - - - - -	341 335
justice when call meeting, - - - - -	342 335
meeting when valid though not called, - - - - -	343 335
powers of meeting, - - - - -	344 335
hold and convey lands; transfer shares; how, - - - - -	345 335
how and for what continue after expiring of charter, - - - - -	346 335
receivers when appointed; their duty, - - - - -	347 335
same, district court have jurisdiction as to, - - - - -	348 336
franchises and all property sold under judgment, - - - - -	349 336
officer's proceedings in execution against, - - - - -	350 336
officer may adjourn sale under execution, - - - - -	351 336
on sale of franchise, who highest bidder, - - - - -	352 336
officer's return, and delivery after sale, - - - - -	353 336
purchaser of franchise bring actions as, - - - - -	354 336
after sale of franchise, powers and duties, - - - - -	355 336
franchise of, redeemed how, - - - - -	356 336
liable to distress for damages, - - - - -	357 337
proceedings against in what county, - - - - -	358 337
same, may be in law or equity, - - - - -	359 337
attorney-general when to examine his powers, - - - - -	360 337
same, annual report on, - - - - -	360 337
legislative committee may examine, - - - - -	360 337
for pecuniary purposes, provisions as to actions respecting, - - - - -	— 605
same, what included in those provisions, - - - - -	1 605
same, foreign, may sue how, - - - - -	2 605
same, foreign, cannot sue on cause forbidden in state, - - - - -	3 605
same, actions how commenced against, - - - - -	5 605
same, bringing actions, when existence of to be proved, - - - - -	6 605
same, when act of incorporation, &c., to be set forth, - - - - -	7 605
same, injunction against, when may issue, - - - - -	1 606
same, injunction, before answer to bill for, when, - - - - -	2 606
same, district court has jurisdiction over, for what, - - - - -	3 606
same, such jurisdiction not interfere with visitatorial powers, - - - - -	4 607
same, such jurisdiction, how exercised, - - - - -	5 607
same, property of, when sequestrated, - - - - -	6 607
same, distribution of property among creditors, - - - - -	7 607
same, corporate rights of, how surrendered, - - - - -	8 607
banking, insolvent, proceedings against, - - - - -	9 607
same, injunction against, - - - - -	10 607
same, receivers, how appointed, - - - - -	11 608
same, powers, &c., of receivers, - - - - -	12 608
directors or stockholders made parties with, - - - - -	13 608
same, after decree, - - - - -	14 608
directors or stockholders, bill against, - - - - -	15 608
same, proceedings on, - - - - -	16 608
same, insolvent corporation, liabilities, how ascertained and enforced, - - - - -	17 608
distribution of property on decree, - - - - -	18 608
when stockholders made to pay dues on stock, - - - - -	19 608
officers and stockholders made to pay debts of, how, - - - - -	20 609
discovery of property, &c., compelled from, - - - - -	21 609
same, by officers, - - - - -	22 609
same, answers of officers, evidence how, - - - - -	23 609

MINNESOTA STATUTES 1858

GENERAL INDEX.

933

	Sec. Page.
CORPORATIONS, answers, &c., not to be used on indictment,	24 609
chancery application against, stays civil action,	25 609
chapter as to equity proceedings against, not applicable to what,	26 609
actions to annul franchise, &c., how brought,	2 618
same, in what cases brought,	3 618
same, leave of court first to be had,	4 618
dissolved how,	15 620
costs on judgment against,	16 620
injunction against, receiver,	17 620
on judgment of dissolution, judgment-roll, how filed,	18 620
when under jurisdiction of state court,	37 629
may be made garnishees,	23 662
for draining lands. <i>See</i> LAND DRAINAGE COMPANIES.	
CORRUPTION of member of legislature, a contempt; penalty,	2 120
same, a misdemeanor,	3 120
COSTS, recoverable in suits of counties, as of individuals,	262 111
when judge of probate may tax,	80 166
suits where towns parties,	82 192
writ, &c., for vessel, &c., adrift, who to pay,	4 256
taking up, &c., vessel, &c., how paid,	7 257
justice's decision as to expenses of estray,	6 260
application and appeal to move toll-gate,	89 294
action against stockholder,	323 333
actions as to title to town sites,	17 390
application for license to sell minor's estate,	21 416
application to sell estate by guardian, executor, &c.,	49 423
against executor, &c., when against him personally,	13 449
complaint against apprentice, how paid,	22 473
same,	24 473
in chancery proceedings abolished; substitute,	31 481
in probate court, provisions as to,	14 491
justice may require security for,	9 499
" " award on amendment of pleadings,	36 502
justice suit, how taxed if adjournment,	37 502
" " when title to land in question,	38 502
certiorari, amount, awarded to successful party,	133 516
paid before justice's return to certiorari,	135 516
paid before appeal from justice allowed,	150 518
for apprehension of witness in contempt, before justice, how paid,	162 520
only, judgment for, execution on,	167 520
on criminal suit before justice, when complainant to pay,	198 525
same, complainant not recognizing an appeal to pay,	200 526
on criminal complaint, justice may assess on defendant,	211 527
same, affirmed on appeal, defendant liable for both,	212 527
same, justice may require security for from complainant,	213 527
on reference, what,	133 576
laws relative to,	— 577
defined,	1 577
when allowed to plaintiff of course,	2 577
on bill of for several actions on one instrument,	3 577
when allowed to defendant of course,	4 577
when allowed at discretion of court,	5 577
in action on judgment,	6 577
amounts allowed as,	7 578
when interest computed on,	8 578
how inserted in judgment; charges with same,	9 578
on postponement of trial,	11 578
on motion or appeal from order,	12 578
against infant plaintiff,	13 578
when tender made,	14 578
in action by or against executors,	15 579
on review of proceedings below,	16 579
in actions by territory or county,	17 579
against assignee of cause of action,	18 579
on settlement of action before judgment,	19 579
when attorney responsible for,	20 579
in action by county, how paid,	21 579
in actions by United States on relation of individual,	22 579
in proceedings on mandamus,	23 580
in actions by assignee in name of another,	24 580
on appeal from justice in civil action,	25 580
same, judgment how computed for costs,	26 580
where defendant pays money into court,	27 580
sundry provisions as to not applicable to justice court,	28 580
when plaintiff file security for,	29 580
same,	30 581
order to file security, contents,	31 581

not allowed
chap 69
in 2 of 4
1860

MINNESOTA STATUTES 1858

934

GENERAL INDEX.

	Sec. Page.
COSTS, security for, bond how given, - - - - -	32 581
same, how filed; notice to defendant, - - - - -	83 581
same, defendant may object to, - - - - -	34 581
same, on such objection, sureties how justify, - - - - -	85 581
attorney when liable for, - - - - -	36 581
same, how free himself from liability, - - - - -	37 581
in actions before justice, - - - - -	14 590
same, justice how tax, - - - - -	15 590
on partition suits, how paid, - - - - -	54 604
actions against next of kin, or legatees, jointly, - - - - -	15 612
on judgment of dissolution of corporation, - - - - -	16 620
on writ of error, prevailing party, how, - - - - -	26 624
on arbitration, how taxed, - - - - -	16 691
same, arbitrators' award of, - - - - -	19 692
of proceedings as to fugitives from justice, complainant to pay, - - - - -	6 739
of complaint, &c., to prevent breach of peace, when complainant to pay, - - - - -	10 741
same, when court to direct as to payment, - - - - -	11 741
defendant in criminal case when not liable to, - - - - -	46 776
appellant from justice when required to pay, - - - - -	3 777
of keeping defendant on civil process, how paid, - - - - -	28 791
of suit for military fines, how paid, - - - - -	26 811
CO-TENANT, liable for over proportion of rents, &c., - - - - -	38 411
COTTONWOOD COUNTY, created and bounded, May 23, 1857, - - - - -	187 101
COUNCIL. <i>See</i> SENATE.	
COUNCILMAN, senior, of ward, to be county supervisor, - - - - -	221 221
COUNSELLOR. <i>See</i> ATTORNEY.	
COUNTER CLAIMS. <i>See</i> SET-OFF.	
what, how set up, - - - - -	24 481
in justice suit, how set up, - - - - -	28 501
to be set up in answer, - - - - -	70 541
must be what; and how arising, - - - - -	71 541
omitted, when not afterwards set up, - - - - -	72 541
reply to, how and when made, - - - - -	75 541
demurrer to, - - - - -	75 541
exceeding plaintiff's demand, judgment for, - - - - -	69 565
COUNTERFEITING. <i>See</i> FORGERY AND COUNTERFEITING.	
COUNTIES. <i>See</i> POWER OF THE COUNTY. <i>See also under name of each county, and under names of county officers.</i>	
chapter creating and organizing, - - - - -	— 75
unorganized, how annexed for taxation, - - - - -	21 77
same, - - - - -	41 80
same, returns of elections in, - - - - -	29 143
same, act as to election precincts in, - - - - -	— 147
same, petition for election precincts, governor to lay out, &c., - - - - -	49 147
general provisions on, (and succeeding sections,) - - - - -	251 109
bodies politic and corporate; for what purposes, - - - - -	251 109
same, (and succeeding sections,) - - - - -	91 193
property of, what; how to be conveyed, - - - - -	252 110
commissioners may appoint agents to sell property of, - - - - -	253 110
may provide county buildings, - - - - -	254 110
to repay sheriff's loss by escape from insufficiency of jail, - - - - -	255 110
actions against may be in district court of, - - - - -	256 110
actions by, may be in county where defendant resides, - - - - -	257 110
actions against, summons how left, - - - - -	257 110
inhabitants may be witnesses or jurors, by or against, - - - - -	257 110
actions between, to be as those of individuals, - - - - -	258 110
name in which to sue or be sued, - - - - -	259 110
duties of clerk of commissioners, in legal proceedings, - - - - -	260 110
actions may be before justice of peace, - - - - -	261 111
costs in actions of, to be as in case of individuals, - - - - -	262 111
execution to issue against commissioners, when, - - - - -	263 111
to furnish ballot-box, - - - - -	16 141
two in one district, canvass of votes in, - - - - -	36 145
two in one district, proceedings of legislature if vacancy in, - - - - -	37 145
to pay mileage for carrying poll-books, - - - - -	38 145
vacancy in legislature in, if divided afterwards, - - - - -	39 145
finances of, commissioners to manage, - - - - -	5 154
property of, commissioners to manage, - - - - -	5 154
rate of taxation for, how determined, - - - - -	14 155
poor of, superintended how, - - - - -	15 155
poor of, overseers of, - - - - -	16 155
to pay for register's official seal, - - - - -	32 159
to pay for register's books, - - - - -	35 159
finances, &c., for, treasurer to collect, - - - - -	40 160
to pay for books of probate judge as court commissioner, - - - - -	81 166
to pay for office for judge of probate, - - - - -	82 166
to pay for burial of stranger, when, - - - - -	109 171

MINNESOTA STATUTES 1858

GENERAL INDEX.

935

	Sec. Page.
COUNTIES, limitations of powers of, - - - - -	92 193
proceedings by or against, in what name, - - - - -	98 193
land how conveyed to, - - - - -	93 193
powers only exercised by supervisors, - - - - -	94 193
property of, supervisors to manage, - - - - -	98 194
accounts of, supervisors to audit, - - - - -	98 194
to pay town overseers of poor, - - - - -	110 196
to pay county supervisors, - - - - -	111 196
moneys of, received and paid by treasurer, - - - - -	115 197
pay for assessors' blanks, - - - - -	127 199
divided, justice's jurisdiction what, - - - - -	231 222
may erect and maintain pounds, - - - - -	255 227
property exempt from taxation, - - - - -	4 230
apportionment of territorial tax to, - - - - -	26 233
same, when to be paid over, - - - - -	26 233
demands against county officers not to receive at discount, - - - - -	30 234
provisions for revenue, - - - - -	— 235
mill territorial tax, - - - - -	44 235
what lands bid off for at tax sale, - - - - -	77 240
same lands how taxed; when counties to pay tax, - - - - -	78 240
when to have deed of such lands, - - - - -	79 240
when pay road commissioners' fees, - - - - -	21 252
not electing road commissioners, they how appointed, - - - - -	36 254
to have half proceeds of sale of estray, - - - - -	7 261
to have half proceeds of money, &c., found, - - - - -	13 261
when and how refund proceeds of estray, - - - - -	31 263
when entitled to proceeds of unclaimed property, - - - - -	59 266
when liable to support pauper, - - - - -	3 270
support poor sick person not pauper, - - - - -	5 270
remove paupers, when, - - - - -	7 271
not to support pauper after what notice, - - - - -	8 271
when pay expenses of trial for trespass on school lands, - - - - -	28 366
new, records transcribed for; authenticity of same, - - - - -	33 401
same, fees for transcribing record for, - - - - -	33 401
judgment against, how presented to commissioners, - - - - -	17 617
same, included in tax list, - - - - -	18 617
same, treasurer must pay, how, - - - - -	19 617
same, execution on how issue, - - - - -	20 617
pay justice's fees on criminal appeal from him, - - - - -	2 777
bear expense of establishing prison, - - - - -	25 791
unorganized; act as to tax collection in, - - - - -	— 236
governor appoint assessor and collector, - - - - -	45 236
assessor and collector, his bond, - - - - -	46 236
same, duties, - - - - -	47 236
same, annual statement, - - - - -	43 236
COUNTY ASSESSORS, when elected, - - - - -	1 139
<i>See COUNTY ASSESSOR AND COLLECTOR.</i>	
COUNTY ASSESSOR AND COLLECTOR, governor appoint, - - - - -	45 236
bond of, - - - - -	46 236
duties, - - - - -	47 236
annual statement, - - - - -	48 236
COUNTY AUDITOR; appointment; qualifications, - - - - -	102 194
term of office; oath, bond, form, - - - - -	103 194
duties and liabilities, - - - - -	104 195
to note on accounts, amount allowed, - - - - -	105 195
to deliver certified copies; fees, - - - - -	105 195
COUNTY BUILDINGS, commissioners to provide, - - - - -	5 153
tax for; election for, &c., (and following sections,) - - - - -	103 195
counties may provide, - - - - -	254 110
COUNTY COLLECTOR, <i>See COUNTY COLLECTOR AND ASSESSOR; TAX COLLECTOR.</i>	
delinquent, treasurer's proceedings, - - - - -	40 160
to receive county orders for county tax, - - - - -	42 160
same, to what amount, - - - - -	29 234
sheriff to be, - - - - -	48 161
to assess and return property omitted by assessors, - - - - -	50 236
act of January 28, 1858, not to authorize delinquency by, - - - - -	55 236
pay territorial and school tax in specie, - - - - -	29 234
receipt on payment of tax, - - - - -	31 234
wilfully returning tax paid as unpaid; penalty, - - - - -	31 234
notify time and place of tax sale, - - - - -	32 234
when re-sell for taxes, - - - - -	33 234
if no bidders at tax sale, how collect, - - - - -	34 234
if taxable removed, how collect, - - - - -	35 234
double assessment, how proceed, - - - - -	37 234
return to register, how made, - - - - -	38 235
return of delinquent taxes, - - - - -	38 235
same, affidavit and proceedings; his fees, - - - - -	39 235

MINNESOTA STATUTES 1858

936

GENERAL INDEX.

	Sec.	Page.
COUNTY COLLECTOR, same, certificate of register, - - - - -	40	235
default in payment or return; penalty, - - - - -	41	235
collect state five mill tax of 1858, - - - - -	61	238
same, five mill tax of 1859, - - - - -	66	238
collect school district tax, - - - - -	59	357
COUNTY COMMISSIONERS. <i>See</i> CHAIRMAN OF COUNTY COMMISSIONERS; CLERK OF COUNTY COMMISSIONERS; COUNTY OFFICERS; COUNTY SUPERVISORS; PUBLIC OFFICERS. <i>See</i> <i>Chap. 1365</i> <i>Sec. 11</i>		
of Hennepin county, may fix temporary county seat, - - - - -	25	78
to fix election precincts and make election judges in counties annexed for judicial purposes, - - - - -	43	80
first board of to locate county seat, - - - - -	44	80
of Winona, Houston and Goodhue counties to fix county seat, - - - - -	52	82
of Sibley county, duty of as to county seat, - - - - -	58	82
of Stearns county, appointment of, - - - - -	91	88
of Stearns county, duties of, - - - - -	92	88
of Stearns county, to appoint sheriff, - - - - -	93	89
of Faribault county, appointment and duties of, - - - - -	105	90
of Meeker county, named; duties of, - - - - -	111	90
of Meeker county, meeting of; to appoint sheriff, - - - - -	112	91
of Hennepin county, duties of as to county buildings, - - - - -	124	92
same, - - - - -	125	92
of Steele county, duties of as to removing county seat, - - - - -	130	93
of McLeod county, appointed by governor, - - - - -	136	94
of St. Louis county, to fix county seat, - - - - -	142	95
of Mower county, appointment and duties; (and following sections,) - - - - -	147	95
of Waseca county, to choose election precincts, - - - - -	161	97
of Waseca county, to fill vacant offices, - - - - -	163	97
of Itasca county, appointment and duties of, - - - - -	167	97
of Freeborn county, appointment and duties of, - - - - -	169	97
of Mille Lac, Buchanan, Carlton, Crow Wing and Aiken counties, appointment and duties of, - - - - -	180	99
of Big Sioux, Jackson, Martin and Nobles counties, appointment and duties of, - - - - -	191	101
of Manomin county, governor to appoint; duties, - - - - -	198	102
of Otter Tail, Breckenridge and Becker counties, governor to appoint; duties, - - - - -	212	104
of Kanabec county, governor to appoint, - - - - -	216	105
of Toombs county, appointed, duties, - - - - -	224	106
of Kandiyohi county, names and duties, - - - - -	227	106
of Douglas county, appointment; duties, - - - - -	236	108
of Monongalia county, names and duties, - - - - -	240	108
of Monongalia county, to appoint sheriff and register, - - - - -	241	108
of Wadena county, appointment; duties, - - - - -	247	109
may appoint agent to sell county real estate, clerk of. <i>See</i> CLERK OF, ETC.	253	110
board of, to be name in suits of county, - - - - -	259	110
how informed of suits, - - - - -	260	110
execution in suits against, how levied, - - - - -	263	111
election of when, - - - - -	1	139
to appoint judges of election, - - - - -	2	139
to fill vacancies in board of same, - - - - -	3	139
to sue for fine for falsely swearing in vote, - - - - -	15	141
to sue for fine for failure to deliver poll-books, - - - - -	30	143
to pay clerks and judges of election, - - - - -	31	144
may resign office before oath, &c., - - - - -	35	144
when appoint sheriff if vacancy, - - - - -	35	145
acts as to powers and duties of, - - - - -	—	153
penalty for neglect of duty, - - - - -	1	153
may resign in writing, &c., - - - - -	1	153
general powers and duties of, - - - - -	2	153
duties of enumerated, - - - - -	5	153
extra sessions; length, - - - - -	3	153
official seal of, copies of proceedings, evidence, - - - - -	4	153
chairman to be chosen; to sign for board, - - - - -	6	154
to select grand and petit jurors, - - - - -	7	154
jury list may be delivered when, - - - - -	8	154
jurors how to be selected, - - - - -	9	154
annual statement by of county finances, - - - - -	10	154
to provide offices and stationery for county officers, - - - - -	11	154
to remove delinquent register, - - - - -	12	155
to fill vacancy in office of register, - - - - -	12	155
to receive, inspect and dispose of assessment roll, - - - - -	13	155
to determine and enter rates of taxation, - - - - -	14	155
to have superintendence of poor in their county, - - - - -	15	155
to appoint county overseer of poor, - - - - -	16	155
appeal from decision of on claim against county, - - - - -	17	155
same, notice of, bond on, - - - - -	17	155
same, how heard, - - - - -	18	155

*Revised to
1862
of 46
3, 1862*

MINNESOTA STATUTES 1858

GENERAL INDEX.

937

	Sec. Page.
COUNTY COMMISSIONERS, to approve bond of register,	20 156
when to appoint county treasurer,	37 159
cannot be county treasurer,	37 159
to cause preferred payment of advances by county officer,	43 160
to approve sheriff's bond,	49 161
sheriff to attend meetings of,	53 162
to appoint to vacancy in sheriff's office,	54 162
to provide office for judge of probate,	82 167
to provide county surveyor's book,	86 107
to approve assessors' bond,	111 171
to furnish blank roll and plat to assessors,	112 171
to fix pay of assessor for copying, &c.,	118 173
when to fix place of county offices,	132 175
office of, discontinued; county supervisors substituted,	223 221
to correct assessment rolls,	23 232
file copy of same with register,	24 232
record aggregate tax valuations,	25 233
estimate and record county tax,	27 233
apportion county, territorial and school-tax,	27 233
seal-tax warrant,	28 233
credit collector on double assessment,	37 235
examine as to loss of tax certificate; direct deed,	91 242
refund purchase money if tax deed invalid,	95 243
proceedings if land improperly dropped from assessment roll,	96 243
same, if improperly unsold, &c.,	96 243
refund tax improperly assessed, when,	97 243
when fill vacancy in county office,	7 247
county roads in charge of,	1 248
same, petition how made,	2 249
appoint board of examiners on same,	4 249
proceedings on examiners' report,	6 249
same, survey of road, &c.,	7 249
vacate county roads,	9 250
of either county locate road on mutual town line,	12 250
locate cartway; application, proceedings,	13 250
remonstrance to same, proceedings,	14 251
allow charges against counties as to roads,	29 254
appoint road commissioners when,	36 254
direct as to county surveyor's fees,	7 250
dispose of proceeds of unclaimed property,	59 266
sue to compel relatives to support pauper,	1 270
how provide for support of pauper,	3 270
when apprentice minors,	4 270
when support poor sick person not pauper,	5 271
how remove pauper not entitled to support,	7 271
may establish work-house,	9 271
permit use of highway to plank road or turnpike,	70 289
apply for change of location of toll-gate,	89 293
appeal from such application,	89 294
to be trustees of property of dissolved village,	190 311
grant ferry license; terms,	194 312
prosecute for violations of ferry law,	196 312
when recover money due from father of bastard,	9 345
prosecute proceedings commenced by mother of same,	10 345
apply for inquiry into case of bastardy,	11 345
cause mother of bastard to testify,	12 345
compromise with father of bastard,	13 345
license public shows, &c.,	1 346
county treasurer when license same instead,	2 346
lay off school districts; alter same,	59 347
levy school tax,	59 357
apportion school funds to districts,	69 359
duty as to timber cut on school lands,	3 363.
same, penalty for neglect,	3 363.
prosecute for trespass on school lands,	6 363.
permit continuance of protection to hedges, trees, &c.,	1 368
duty on laying out town plots,	3 370.
procure standard weights and measures,	3 372.
must approve sale of land of minor, idiot, &c.,	41 422.
apply for guardian of lunatic or drunkard,	19 491
same, application how made,	20 491
same, proceedings, (and following sections,)	21 492.
audit certificate for juror's fees,	26 592.
judgment against county presented to,	17 617
include same in tax list,	18 617
allow what accounts of keeper of prison,	3 788
are inspectors of prisons in their counties; duties,	4 788.

MINNESOTA STATUTES 1858

938

GENERAL INDEX.

	Sec. Page.
COUNTY ELECTIONS, first in Chisago county,	4 76
first in Hennepin county,	24 78
<i>See under</i> COUNTIES and ELECTIONS.	
COUNTY MEDICAL SOCIETY. <i>See</i> CORPORATIONS.	
act relative to,	— 277
how formed and organized,	1 277
choice of officers, powers and duties,	1 277
who may meet and hold form,	2 277
purchase and hold real estate,	3 278
by-laws, what,	4 278
examine students, and grant diplomas,	5 278
who may be candidate for diploma and membership,	6 278
fee for diploma,	7 278
annual assessment, purpose of same,	8 278
duties of president and vice president,	9 278
duties of treasurer,	10 278
drafts on treasury, how drawn,	10 278
duties of recording secretary,	11 278
duties of corresponding secretary,	12 279
when physicians of more than one county form,	13 279
persons not members of may practice,	14 279
COUNTY OFFICERS. <i>See under names of county officers; also,</i> CLERK OF COUNTY COMMISSIONERS; CLERK OF DISTRICT COURT; CORONER; DISTRICT ATTORNEY; DISTRICT COURT; PROBATE, JUDGE OF; REGISTER OF DEEDS; SHERIFF.	
when and how chosen for Chisago county,	4 75
organized counties where to have office,	97 89
Fillmore county when to move offices to Carimona,	97 89
Steele county, who deemed,	131 93
St. Louis county, governor to appoint,	141 94
Pine county, governor to appoint,	153 96
Isanti county, governor to appoint,	157 96
Freeborn county, commissioners to appoint,	169 98
Mille Lac, Buchanan, Carlton, Crow Wing, and Aiken, commissioners to appoint,	180 99
Big Sioux, Jackson, Martin and Nobles counties, appointed,	191 101
Manomin county, appointed by governor,	199 102
Otter Tail, Breckenridge and Becker counties, appointed,	212 104
Kanabec county, commissioners to appoint,	217 105
of Toombs county, how appointed,	224 106
of Polk and Pembina counties, appointed,	233 107
of Douglas county, appointed, duties,	237 108
of Wadena county, appointed, duties,	247 109
when to remove to new county seat,	5 112
may sue for county in name of office,	259 110
when to be elected,	1 139
where to be voted for,	13 141
certificates of election of, how given,	31 143
proceedings if tie in electing,	32 144
term of office begins when,	43 146
same, to vacancy,	44 146
elections of, how contested; act,	— 150
chapter on, and their duties,	— 153
offices, &c., how provided for,	11 154
not to purchase county orders at discount,	44 160
money advanced by, payment of preferred,	43 160
may have advice from district attorney,	69 164
term of office of certain, how long,	136 175
failure to pay over by, felony; penalty,	154 205
not to receive county orders at discount,	30 234
penalty for failing to prosecute for trespass on school lands,	9 363
“ for neglect of duty as to laying out, &c., town plots,	10 371
COUNTY ORDERS; preferred in payment,	42 160
receivable for county tax,	42 160
not to be bought at discount by county officer,	44 160
where receivable for tax; to what amount,	29 234
county officer not to receive at discount,	30 234
COUNTY REGISTER. <i>See</i> REGISTER OF DEEDS.	
COUNTY ROADS. <i>See</i> CARTWAY; PUBLIC ROADS.	
commissioners' duties as to,	5 153
county supervisors may alter, discontinue or open,	224 221
laws relative to,	— 248
under county commissioners,	1 248
applications for altering and laying out, how made,	2 249
petition for, proof of notice,	3 249
board of examiners,	4 249
same, oath; duties,	5 249
same, report; contents,	6 249
proceedings if remonstrance,	6 249

*28 county
of 5 278
567*

*28 county
of 5 278
567*

MINNESOTA STATUTES 1858

GENERAL INDEX.

939

	Sec. Page.
COUNTY ROADS; survey on same report, how made; fees,	7 249
register to record survey and plot,	8 250
supervisors notified of; they to open,	8 250
vacant, owners may take; how vacated,	9 250
to be sixty-six feet wide,	10 250
compensation of examiners,	11 250
on section, &c., line, how located,	12 250
road commissioners on. <i>See ROAD COMMISSIONERS.</i>	
same, application to, to lay out or discontinue,	18 252
same, notice of, contents and publication,	19 252
same, commissioners to examine road,	20 252
same, order survey; their report; filed; their fees,	21 252
to be fully described by road commissioners,	22 252
damages in, when may be agreed on; mode,	23 253
jury to assess damages; notice,	24 253
bond for costs on appeal to jury,	25 253
jury how summoned,	26 253
" sworn; proceedings; their appraisal and award,	27 253
" fees; justice's fees,	28 254
charges on against county,	29 254
how altered, by road commissioners,	30 254
removal of fences, notice,	31 254
act as to, general, except when,	34 254
all subsequent, to be according to act of May 23, 1854,	35 254
located previous to same act, valid,	38 255
extending through more than one county, proceedings,	18 252
COUNTY SEAT. <i>See under names of counties and county seats.</i>	
provisions as to locating, (and following sections,)	1 111
election for removing, proceedings of,	1 111
" " ballots at,	2 112
" " canvass of votes,	3 112
removal to new, time of,	5 112
special acts for votes on, before Dec. 1, 1857, repealed,	6 112
COUNTY SUPERVISORS. <i>See CLERK OF COUNTY SUPERVISORS; COUNTY COMMISSIONERS.</i>	
of Polk and Pembina, appointed,	233 107
when to divide township,	3 179
when to appoint town officers,	49 187
proceedings by against county, to be in name of,	93 193
constituted how; meetings,	95 193
annual meetings when,	96 193
how to organize,	97 193
powers of,	98 194
quorum; questions how determined,	99 194
to sit with open doors,	100 194
chairman may administer oaths,	101 194
may appoint clerk; qualifications,	102 194
clerk's term of office; bond; oath; forms,	103 194
" duties; accounts of,	103 195
" to be called county auditor,	103 195
books, &c., where deposited, to be open free,	104 195
how to raise tax for county buildings,	106 195
same, form of proclamation,	106 195
same, contents of proclamation,	107 196
same, conduct of election; form of ballots,	108 196
same, canvass of election,	108 196
same, assessment and collection of tax,	109 196
have charge of poor, and poor-houses,	110 196
compensation of,	111 196
delinquency by, penalty,	112 196
to approve county treasurer's bond,	113 197
to sue bond of defaulting county treasurer,	122 198
audit expense of assessors' blanks,	127 199
equalize assessment roll,	135 200
fix rate of assessment, and compare copy of roll,	136 200
separate taxes on real and personal property,	137 201
duties as to assessment and roll, (and next sections,)	136 200
have roll delivered to collector when,	138 201
duties on road appeal, (and next sections,)	195 215
same, when to meet,	197 216
same, trial how conducted,	199 216
same, compensation,	200 217
same, to lay out road when,	202 217
same, substitute,	203 217
same, damages how stated and settled,	204 218
same, relief from oppressive damages,	205 218
from each ward of city, who to be,	221 221
from towns of over eight hundred,	222 221

MINNESOTA STATUTES 1858

940

GENERAL INDEX.

	Sec. Page.
COUNTY SUPERVISORS; laws as to county commissioners apply to,	223 221
may alter, discontinue and open county road,	224 221
grant ferry license when,	197 312
which board act where ferry between counties,	198 312
collect what tax,	199 313
seal license; length of same,	200 313
fix ferrriage,	203 313
grant what license at special meeting,	206 314
when grant ferry license,	207 314
demand what bond on same; approve it,	207 314
grant licenses to sell liquor,	15 340
revoke same,	19 341
when liable for penalty under liquor law,	23 342
notify of votes of county on license question,	28 342
establish county prison,	25 791
allow sheriff expense of keeping prisoner, when,	29 792
COUNTY SURVEYOR. <i>See</i> SURVEY.	
act as to appointment, duties, &c.,	— 167
elected, oath, bond,	83 167
may appoint deputies; oath,	84 167
certificate of to be evidence,	84 167
if interested in land survey, who to make,	84 167
to execute surveys, when,	85 167
to keep record and field notes,	86 167
to furnish copy of same, and certificate, when,	86 167
fees of,	87 167
compensation of,	93 168
when to provide chainman and marker; oath, duty, fees,	88 167
courses surveyed by to be by true meridian,	89 167
vacancy, county commissioners to appoint,	90 168
term of office,	91 168
how to sub-divide sections,	92 168
commissioners to provide office, books, &c., for,	11 154
survey county road applied for; fees, return,	7 249
proceedings as to cartway,	13 250
same, if remonstrance,	14 250
one of board of road commissioners,	17 252
COUNTY TAX, county orders receivable for,	42 160
sheriff's fees in collecting,	61 162
commissioners when to levy,	43 235
same, to add mill tax for territory,	44 235
who to apportion; when,	27 233
county orders how receivable for,	29 234
how levied and collected in village,	138 303
COUNTY TREASURER. <i>See</i> DEPUTY COUNTY TREASURER.	
when to pay execution against county,	263 111
to conform to auditor's forms,	35 128
proceedings against, if fails to return or pay over tax,	42 129
when elected,	1 139
when elected,	113 197
act as to duties, &c., of,	— 159
vacancy in office, county commissioners to appoint,	37 159
who ineligible as,	37 159
duties of,	38 159
accounts of; to be open to inspection; statement of,	39 159
accounts, annual statements of,	39 159
to collect taxes due from collectors, fines, &c.,	40 160
to prosecute suits on securities given them,	41 160
to pay county orders first,	42 160
not to buy county order or claim at discount,	44 160
to receive taxes due the county; his fees,	45 160
office where; may appoint and remove deputy,	46 160
office where,	132 175
deputy, oath of,	46 160
deputy, oath of, penalty for not taking, &c.,	134 175
commissioners to provide books, &c., for,	11 155
to receive county orders for county tax,	42 160
to sue bond of delinquent district attorney,	73 165
to approve bond of judge of probate,	76 165
when to execute bond and take oath,	133 175
copies sealed by, when evidence,	135 175
how long to hold office,	136 175
to approve coroner's bond,	95 168
to approve district court clerk's bond,	121 173
to collect fine from delinquent district court clerk,	122 173
bond of, oath of, forms,	113 197
bond recorded; copy to state auditor,	114 197

MINNESOTA STATUTES 1858

GENERAL INDEX.

941

	Sec. Page.
COUNTY TREASURER, bond a lien on real estate of, - - - - -	114 197
to receive and disburse moneys, - - - - -	115 197
to keep accounts of moneys, &c., - - - - -	116 197
collect delinquent tax, how, - - - - -	117 198
exhibit books, &c., to supervisors, - - - - -	118 198
death of, books, &c., how demanded and delivered, - - - - -	119 198
same, if leaves county, - - - - -	119 198
penalty, if books, &c., refused to successor, - - - - -	120 198
commission on state tax, - - - - -	121 198
prosecuted if fails to pay over, - - - - -	122 198
moneys recovered from, how used, - - - - -	123 198
pay over delinquent and non-resident tax, - - - - -	139 201
duty as to taxes remaining unpaid, - - - - -	147 203
duty as to defaulting town collector, - - - - -	150 204
same; as to sheriff not proceeding as to same, - - - - -	153 204
to approve justice's bond, - - - - -	228 221
time for payment of taxes for 1857 extended, - - - - -	52 236
meaning of act of January 23, 1858, as to tax payments by, - - - - -	55 237
proceedings if failure to pay over taxes, - - - - -	56 237
pay over territorial taxes in specie, - - - - -	42 235
countersign register's tax certificate, - - - - -	89 242
when to pay redemption money if tax certificate lost, - - - - -	92 242
refund purchase money if tax sale invalid, - - - - -	94 243
same, if conveyance, invalid, - - - - -	95 243
charge damages to sheriff failing to pay over taxes, - - - - -	106 244
penalty for default by, - - - - -	111 245
books, records, &c., of, prima facie evidence, - - - - -	113 245
receive proceeds of sale of vessel, &c., found, - - - - -	7 257
sue for proceeds of goods, &c., found, due county, - - - - -	13 261
receive and receipt for proceeds of sale of estray, - - - - -	23 263
enter such payments as estray fund, - - - - -	24 263
receive and record balance on sale of unclaimed property, - - - - -	57 266
when refund same to owner, - - - - -	58 266
when license public shows, - - - - -	2 346
set apart school district moneys, - - - - -	60 387
pay over school district moneys, how, - - - - -	80 361
recover penalties under laws as to town plots, - - - - -	11 371
keep standard weights and measures; be county sealer, - - - - -	4 372
prove standards, when, - - - - -	5 372
proceedings if commissioners do not procure same, - - - - -	6 372
fees as sealer, - - - - -	7 373
penalty for delinquency as sealer, - - - - -	8 373
when pay judgment against county, - - - - -	19 617
COURT. See ARBITRATION; BRIGADE COURT; CLERKS OF COURTS; DISTRICT COURTS; JURISDICTION; JUDGES; REFEREE; SUPREME COURT; TRIAL.	
what may be seal of, - - - - -	2 114
of record, seal of, - - - - -	2 374
same, proceedings in proving unacknowledged deed (and next sections,) - - - - -	15 399
of justice in Minnesota, classified, - - - - -	1 474
not to be open on Sundays; exception, - - - - -	5 478
who subject to jurisdiction of, - - - - -	36 629
what corporations under jurisdiction of, - - - - -	37 629
jurisdiction of, how exercised, - - - - -	38 629
submission to, without action, - - - - -	7 643
same, judgment how entered, - - - - -	8 643
same, judgment how enforced; appeal, - - - - -	9 643
who may practice in as attorney and counsellor, - - - - -	1 665
authority of as to unauthorized acts of attorney, - - - - -	11 667
may compel attorney to show his authority, - - - - -	12 667
when may suspend attorney; proceedings, - - - - -	31 669
COURT OF CHANCERY. See EQUITY.	
apply profits of estates for children, &c , - - - - -	39 380
when assume express trust, - - - - -	24 384
accept resignation of trustees of same, - - - - -	25 384
remove trustee of same, when, - - - - -	26 384
appoint his substitute, - - - - -	27 384
execute power in trust under will, - - - - -	29 394
decree execution of trust for creditors, - - - - -	31 394
proceedings on contingent claim against estate, - - - - -	56 447
have jurisdiction on death of party agreeing to convey, - - - - -	78 455
proceedings in such case, - - - - -	8 670
abolished, - - - - -	32 455
laws as to, remaining in force, - - - - -	— 670
may pass the title to real estate by decree how, - - - - -	1 670
appoint receiver when, - - - - -	2 670
issue writ of injunction how, - - - - -	3 670
same, granted in vacation, - - - - -	4 670

MINNESOTA STATUTES 1858

942

GENERAL INDEX.

	Sec. Page.
COURT OF CHANCERY, proceedings on foreclosure (and following sections) <i>See</i> MORTGAGES,	— 671
appeals from to supreme court. <i>See</i> APPEALS,	— 673
COURT COMMISSIONERS, judge of probate when to be,	80 166
powers; fees,	80 166
to fill vacancy in office of county surveyor,	58 166
COURT HOUSE, destroyed, &c., substitute,	17 480
COURTS OF INQUIRY, military, organization of, proof in,	55 822
same; rules of proceeding,	60 823
COURTS MARTIAL, summons of how enforced,	50 820
how formed,	51 820
oath of members of; form,	52 821
copy of sentence and proceedings to party sentenced,	59 822
rules governing (and next section),	59 822
same,	59 823
fees for serving on,	61 823
COVENANT, in conveyance by husband and wife, not binding on her,	2 397
not implied in conveyance,	5 397
not implied in mortgage,	6 398
CREDIBILITY OF WITNESS. <i>See</i> WITNESS.	
CREDITORS. <i>See</i> CLAIMS; CONTINGENT CLAIM.	
what conveyance fraudulent as against,	8 382
express trust to sell lands for, allowed,	11 382
execution of trust when decreed for,	31 394
when power is lien against,	35 394
when may witness will,	8 426
when made administrator,	3 434
conveyance by deceased to defraud, proceedings,	16 438
same, suit must be requested by,	17 439
claims to commissioners on estates, how presented,	5 440
same, time how extended,	6 440
same, commission how renewable for,	7 440
same, judge of probate may hear,	8 441
same, set off to,	9 441
same, appeal by from commissioners' decision,	20 442
when executor, &c., personally liable to,	42 445
notice to of limitation of time of paying debts of estate,	43 445
claim of on estate how barred,	44 445
attachment by, in justice's court,	106 513
same, proceedings; (and following sections,)	107 513
when may redeem property sold on execution,	114 573
same, how redeem. <i>And see</i> REDEMPTIONER,	115 573
application by to prevent waste,	119 574
liable to evicted, purchaser when,	120 574
examine judgment debtor as to property,	122 574
costs allowed in reference,	133 576
having liens may be parties to actions for partition,	4 598
same, may be made parties before order for sale,	16 600
having specific lien, not barred by conveyance on partition sale,	44 603
property of corporation how distributed to,	7 607
make directors or stockholders parties with corporation,	13 608
same, after decree,	14 608
bill to charge directors or stockholders of same; proceedings, (and following sections,)	15 608
distribution among of corporation property,	18 608
sue next of kin for debts due,	11 611
same, what may be recovered,	12 611
sue legatee for debt,	14 611
CREDITOR: same, what creditor must prove,	14 612
sue heirs and devisees of real estate, for debt,	17 612
same, when not recover,	18 612
same, when recover,	19 612
when not recover from devisee,	28 613
how may redeem, and re-redeem, property sold on foreclosure,	21 646
proceedings in case of insolvency. <i>See</i> INSOLVENT DEBTOR.	
special partner's claim as, to be satisfied last	23 885
CRIMES. <i>See</i> FELONY; MISDEMEANOR <i>an easier names o crimes.</i>	
conviction of, vacates office,	2 247
defined,	1 700
classified into felonies and misdemeanors,	2 700
how person held to answer for,	1 701
rights of defendant on prosecution,	2 701
conviction for, how had,	3 701
no second indictment permitted for,	4 701
acquittal for on ground of variance, no bar to new indictment,	5 701
no person to be punished for until legal conviction,	6 701
general provisions as to,	— 733
CRIMINAL; coroner when to issue process for,	108 171
CRIMINAL CALENDAR who prepare; contents,	1 771

" statistics chap 30 p 87 1862

MINNESOTA STATUTES 1858

GENERAL INDEX.

943

	Sec.	Page.
CRIMINAL CALENDAR, by sheriff, what to contain, - - - - -	10	789
copy of, to be furnished to court, - - - - -	11	789
prison keepers to make out and send to district court judge, - - - - -	24	791
CRIMINAL CASES, jurisdiction of justices in; proceedings, - - - - -	—	523
CRIMINAL CONVERSATION, limitation for action on, - - - - -	6	532
CROW WING COUNTY, created and bounded, May 23, 1857, - - - - -	178	99
seat of, - - - - -	178	99
in second judicial district, - - - - -	179	99
governor to appoint commissioners of; duties, - - - - -	180	99
district court terms in, - - - - -	48	484
attached to Morrison county for judicial purposes, - - - - -	49	485
CRUELTY TO ANIMALS, penalty for, - - - - -	49	730
CURRENCY. <i>See</i> BANK NOTES.		
DAKOTA COUNTY, created, - - - - -	1	75
boundaries of, by revised statutes, - - - - -	8	76
organized only for appointing justices and constables, &c., - - - - -	13	77
attached to Ramsey county for judicial purposes, - - - - -	18	77
justices and constables in, number, appointment, term of office, - - - - -	19	77
Hennepin county set off from, March 6, 1852, - - - - -	22	77
“ “ remains in for representative purposes, - - - - -	23	67
boundaries of, by act of March 5, 1853, - - - - -	27	78
Blue Earth county partly set off from, same time, - - - - -	34	79
Rice county attached to for judicial purposes, - - - - -	38	79
an organized county, - - - - -	40	80
governor to appoint justices, constables and officers of, - - - - -	40	80
boundaries, act of February 20, 1855, - - - - -	69	83
addition to area of, May 22, 1857, - - - - -	173	98
boundary between and Scott, altered, June 11, 1858, - - - - -	248	109
same, to be voted on by same counties, - - - - -	250	109
DAKOTA INDIANS. <i>See</i> MENDOTA, treaty of.		
DAMAGES. <i>See</i> DOUBLE DAMAGES.		
rule of, in action on district court clerk's bond, - - - - -	122	173
measure of, in trespass on town lands, - - - - -	80	191
on roads, how ascertained, agreed on, assessed; forms, - - - - -	194	214
on roads, final settlement and payment, - - - - -	204	218
on roads, oppressive, proceedings for relief, - - - - -	205	218
delinquent fence viewer to pay, - - - - -	253	227
for tax collector's failure to pay over, - - - - -	56	237
for failure to pay for lands sold for taxes, - - - - -	76	240
charged to sheriff failing to pay over taxes, - - - - -	106	244
double, recoverable from sheriff for false return or fraud, - - - - -	107	245
on laying out, &c., roads; may be agreed on, - - - - -	23	253
same, jury to assess; how called; notice, - - - - -	24	253
same, bond for costs, &c., - - - - -	25	253
same, justice how summon jury, - - - - -	26	253
same, jury sworn; appraisal, award, - - - - -	27	253
same, when county to pay, - - - - -	29	254
injuring trees on public road, to be treble, - - - - -	33	254
for trespass in cemetery, - - - - -	53	286
for injury on plank road or turnpike, corporation liable, - - - - -	109	298
on opening, widening, &c., village street, how assessed, - - - - -	155	305
same, how levied and used, - - - - -	155	306
same, how collected, - - - - -	156	306
railroad company liable for from change of location of grade, - - - - -	252	322
same, when must be claimed, - - - - -	252	322
against corporation, when warrant of distress for, - - - - -	357	337
on protested bill of exchange, what, - - - - -	9	376
recoverable for withholding dower, - - - - -	24	409
same, measure of, - - - - -	25	410
same, not given for use of certain improvements, - - - - -	26	410
for withholding dower by alienating land; measure of, - - - - -	27	410
recovered by apprentice for breach of indenture, to be his, - - - - -	16	473
measure of when plaintiff recovers, - - - - -	64	565
for withholding real estate, measure of, - - - - -	8	596
triple for injuring trees, - - - - -	18	597
same, how mitigated, - - - - -	19	597
triple, for forcible eviction, - - - - -	21	597
same, for forcible entry or detention, - - - - -	22	597
same, - - - - -	11	651
same, in civil action for same, - - - - -	14	652
for overflowing lands by drainage company, - - - - -	11	845
same, how determined, - - - - -	12	845
same, no exemplary or vindictive allowed, - - - - -	13	845
for mill dam, not exemplary or vindictive, - - - - -	14	848
for non-payment of bank notes, - - - - -	15	858
DAMS. <i>See</i> MILLS AND MILLDAMS.		
DAVIS COUNTY, boundaries act of, February 20, 1855, - - - - -	76	86

MINNESOTA STATUTES 1858

944

GENERAL INDEX.

Sec. Page.
95 89

DAVIS COUNTY attached to Stearns county for judicial purposes,		95	89
DEAF AND DUMB. See MINNESOTA STATE INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB. <i>Case No. 42 1863, Case No. 67 1864</i>			
DEATH, punishment of how inflicted, <i>42 1863, Case No. 67 1864</i>		9	780
same, who to be present at; return of warrant, <i>12 9-7864</i>		10	780
DEBT. See IMPRISONMENT FOR DEBT; LIEN.			
DEBTOR. See EXEMPTION; HOMESTEAD EXEMPTION; INSOLVENT DEBTOR; JUDGMENT DEBTOR.			
of deceased person, executor, &c., may compound with,		11	438
DEBTS OF DECEASED PERSON. See under ACTIONS. See also CLAIMS AGAINST ESTATES, &c.; EXECUTOR OR ADMINISTRATOR.			
proceedings as to,		—	440
commissioners on, when appointed, when not,		1	440
same, appoint and notify meetings,		2	440
same, judge of probate direct publication,		3	440
same, judge of probate appoint to vacated commissionership,		4	440
time for preventing claims, how fixed,		5	440
same may be extended how,		6	440
commission when may be renewed,		7	440
judge of probate may examine and decide claim, instead of renewing commission,		8	441
off-set to how presented and allowed,		9	441
commissioners to be sworn; may administer oaths,		10	441
same, report how,		11	441
same, may decide what claims,		12	441
same, power as to claims not prevent executor, &c., from paying debt,		13	441
claims when barred,		14	441
if commissioners appointed, executors, &c., not to be sued for; exception,		15	441
same, attachment or execution against estate not to issue when,		15	441
if a joint contractor, his estate how liable for,		19	442
appeal from commissioners on. See under APPEALS.			
limitation of time for paying,		31	443
same, court may extend how,		32	443
same, application for extension of, proceedings,		39	443
same, extended when new administrator appointed,		33	444
executor, &c., when to pay, if assets sufficient,		34	444
if assets not sufficient in what order to be paid,		35	444
if assets wanting for any class of creditors dividend to be paid,		36	444
when probate court order payment of,		37	444
if appeal from commissioners, probate court may suspend payment of,		39	444
disputed, to be paid when settled, as other debts,		40	444
if paid in part, further decree for distribution,		41	445
executor, &c., when personally liable for,		42	445
notice of time limited for paying, how given,		43	445
payment of barred after what time,		44	445
when and in what proportion heirs, &c., liable for,		53	446
when devisees and legatees must contribute for,		54	446
persons liable for may be included in suit for, when,		55	446
chancery proceedings against persons liable for,		56	447
heir, &c., liable for, dying without paying, his estate liable,		57	447
same, paying more than share, may compel contribution,		58	447
probate court may order sale of personal estate to pay,		4	448
executor, &c., not liable for, if uncollected without his fault,		6	448
same, liable for loss from his neglect of,		8	448
probate court to enforce payment of,		3	489
heirs and devisees now far liable for,		17	612
heirs how far liable for,		18	612
same, when estate expressly charged,		19	612
order of payment of,		20	612
of same class, no preference between,		21	612
defense in suit for, that prior classes unpaid,		22	612
suit against heir, &c., for, judgment for excess of his receipts over prior debts,		23	613
same, payment of prior debt allowed,		24	613
same, judgment cover real property,		25	613
same, heir, &c., when personally liable,		26	613
same, contribution by joint heir, &c.,		27	613
same, heir, &c., not liable if assets,		28	613
same, heir, &c., liable for deficiency only,		29	613
same, heir, &c., liable when estate expressly charged,		30	613
same, devisee on same ground with heir,		31	613
DEBTS, of institution of learning, when trustee liable for,		227	317
of railroad companies, unchanged by consolidation,		265	324
sale of lands of deceased for. See EXECUTOR OR ADMINISTRATOR.			
of vessels, boats, &c., proceedings as to. See VESSELS, ETC.			
DEED. See ACKNOWLEDGMENT OF DEEDS; COMMISSIONERS TO ACKNOWLEDGE DEEDS; CONVEYANCE; FRAUDULENT CONVEYANCE; INSTRUMENTS; TAX DEED.			
of land; if no agreement as to taxes, which party to pay,		112	245
by railroad company, how executed,		256	322

MINNESOTA STATUTES 1858

GENERAL INDEX.

945

		Sec.	Page.
DEED, of town site lands by authorities, how executed, &c.,	2	385	
<i>before</i> <i>executed</i> <i>as the one</i> <i>with</i> <i>good</i> <i>chap 41</i> <i>h 83</i> <i>1863</i> same, expenses to be paid before made,	12	389	
same, when and how executed,	13	389	
same, remedy if refused,	19	390	
laws as to,	—	397	
what conveyances made by; how executed, &c.,	1	397	
joint, of husband and wife,	2	397	
same, wife not bound by covenant in,	3	397	
of quit claim and release, effect of,	3	397	
how executed and acknowledged,	8	398	
same, in other states,	9	398	
same, authentication of acknowledgment,	10	398	
same, in foreign countries,	11	398	
acknowledgment of by married women resident in state,	12	398	
same, by married women resident out of state,	13	398	
execution of how proved, when grantor dead without acknowledgment,	14	399	
same, if witnesses dead or abroad,	15	399	
grantor refusing to acknowledge, proceedings,	16	399	
same, execution of deed how proved,	17	399	
same, when witnesses dead or absent,	18	399	
same, witnesses to prove how summoned,	19	399	
same, penalty of witnesses not appearing or contumacious,	20	399	
unacknowledged, substitute for recording pending proceedings for acknowledgment,	21	399	
same, effect of filing how to continue,	22	399	
what certificate entitles to be recorded,	23	400	
of church pews and slips, how recorded,	25	400	
force of defacement of,	27	400	
scroll or device to be seal, but not official seal,	34	401	
by attorney of husband and wife, allowed,	43	402	
same, wife how acknowledge power of attorney,	44	402	
commissioners to acknowledge. <i>See</i> COMMISSIONERS TO ACKNOWLEDGE DEEDS.	1	458	
in trust for use of maker, void against creditors,	15	672	
of premises sold under mortgage, by decree in chancery,	89	687	
recorded, how evidence,			
DEER. <i>See</i> GAME.			
DEFALCATION, by state treasurer, proceedings,	63	181	
by county treasurer, proceedings,	122	198	
by sheriff, proceedings,	56	162	
town collector,	150	204	
town or county officer, felony; penalty,	154	205	
by sheriff as to taxes, proceedings,	106	244	
DEFAULT. <i>See</i> JUDGMENT BY DEFAULT.			
DEFALCATION. <i>See</i> UNDER NAMES OF PUBLIC OFFICERS.			
DEFAULTER, delinquent county treasurer when to be,	111	245	
DEFEASANCE, force of,	27	400	
must be recorded with deed,	56	404	
DEFENSE; when want of legal corporate existence not to be,	330	333	
in what order given at jury trial,	18	559	
if insanity, verdict to state,	25	784	
DEFENDANT. <i>See</i> ACQUITTAL; ANSWER; ARRAIGNMENT; ARREST; ATTACHMENT; BAIL; COST; EXAMINATION OF OFFENDERS; PLEA; PLEADINGS; SUMMONS.	96	295	
plank road or turnpike stockholder, joint,	96	295	
same, separate in action against company,	323	333	
when stay proceedings by pointing out corporate property,	5	387	
how and when answer, in suit as to town site lands,	105	512	
when recover damages in replevin, in justice suit,	107	513	
when justice may award creditor attachment against,	108	513	
same, proceedings, (and following sections,)	42	536	
action against by attachment, where brought,	43	536	
application by for change of venue,	14	533	
action commenced as to, by service on,	54	538	
when not to be found, service of summons,	56	539	
if summons not served on, when may come in and defend,	57	539	
more than one, proceedings if only one served with summons,	—	540	
demur to complaint. <i>See</i> DEMURRER,	—	541	
answer by. <i>See</i> ANSWER,	—	545	
arrest of. <i>See</i> ARREST,	—	545	
bail of. <i>See</i> BAIL,	184	549	
how except to security on delivery of personal property,	135	549	
when and how retain possession of same,	136	550	
sureties of for such retention, how justify,	137	550	
same, qualifications of,	—	550	
attachment against property of. <i>See</i> ATTACHMENT,	158	553	
recovering against plaintiff, proceedings,	168	554	
several, judgment how,	172	554	
same,	173	555	
failing to answer, judgment how, (and next section,)			

MINNESOTA STATUTES 1858

946

GENERAL INDEX.

	Sec. Page.
DEFENDANT; several, when may have separate trial, - - - - -	11 558
judgment for by court, when reference on, - - - - -	42 562
in action to recover personal property, judgment for, - - - - -	70 566
select exempt property, if levy, - - - - -	104 571
when and how liable for costs. <i>See</i> Cosrs. - - - - -	— 577
when costs allowed to of course, - - - - -	4 577
several defending separately, costs how awarded, - - - - -	5 577
if tender made by, costs when not taxed on, - - - - -	14 579
when entitled to costs on appeal, - - - - -	25 581
bringing money into court, costs how awarded, - - - - -	27 581
except to security for costs, - - - - -	34 581
disclaiming interest in real estate, costs not taxed against, - - - - -	2 595
how serve offer to compromise, - - - - -	8 626
offer to liquidate damages by, - - - - -	9 626
what constitutes appearance by, - - - - -	26 628
how answer that third party makes same demand; proceedings, - - - - -	35 629
when must answer in district court, - - - - -	48 630
who denominated, - - - - -	1 632
in lottery case, when must prove genuineness of lottery ticket, - - - - -	6 725
in criminal case, pleas for. <i>See</i> PLEAS, - - - - -	— 766
same, refusing to answer indictment, what plea entered, - - - - -	11 767
same, presumed innocent until proved guilty, - - - - -	1 782
same, doubt between two degrees of guilt, to be convicted of lesser, - - - - -	2 782
same, joint, may have separate trial, - - - - -	3 782
same, one of several may be discharged to be witness, - - - - -	4 782
same, discharged to testify for co-defendant, - - - - -	5 782
same, confession of, how far evidence, - - - - -	6 782
same, exception by on question of law, - - - - -	11 782
same, on bail, when committed if appears for trial, - - - - -	14 783
same, entitled to blank subpoenas, - - - - -	31 784
same, when discharged if not indicted at next term, - - - - -	32 785
same, indicted, when discharged if not tried at next term, - - - - -	33 785
same, discharged if action dismissed, - - - - -	35 785
same, neglecting to appear as recognized, arrest of, - - - - -	47 786
in civil case, costs of imprisonment how paid, - - - - -	28 791
DEFINITION. <i>See</i> CONSTRUCTION.	
“purchaser,” - - - - -	29 400
same, - - - - -	62 405
“conveyance,” - - - - -	30 400
same, - - - - -	63 405
“real estate,” - - - - -	61 405
“land,” in chapter on fraudulent conveyances, - - - - -	6 459
“estate and interest in lands,” in same, - - - - -	6 459
“conveyance,” in same, - - - - -	7 459
“felonious,” “feloniously,” “infamous crime,” - - - - -	18 736
“person,” “personal property,” “property,” in act as to crimes and punishments, - - - - -	18 736
“folio,” with reference to fees, - - - - -	35 593
DEGREES. <i>See</i> DIPLOMA.	
colleges and seminaries, what may grant, - - - - -	58 287
academical corporations may confer, - - - - -	337 334
DELEGATE TO CONGRESS, where voted for, - - - - -	13 141
<i>See</i> CONGRESS, MEMBER OF.	
DELINQUENT TAXES. <i>See</i> TAXES, DELINQUENT.	
DELIVERY of personal property in action. <i>See under</i> ACTION,	
DEMURRER, to complaint, when made, - - - - -	65 540
statements how made; taken to what, - - - - -	66 540
to counter claim, plaintiff may make, - - - - -	75 541
by defendant, to plaintiff's reply to counter claim, - - - - -	75 541
in action against representatives of deceased judgment debtor, - - - - -	6 625
to indictment, when filed, - - - - -	2 765
same, for what causes, - - - - -	3 765
same, in writing; to specify what, - - - - -	4 765
same, when argued, - - - - -	5 765
same, judgment on, - - - - -	6 765
same, effect of allowing, - - - - -	7 765
same, (and next section,) - - - - -	8 766
same, if disallowed, defendant plead over, - - - - -	10 766
same, what objections to be taken by, - - - - -	11 766
DEPOSITIONS, notary public may take, - - - - -	94 134
notary's fees on, - - - - -	97 134
notary may compel witnesses' attendance, - - - - -	97 134
“ “ “ “ to give, - - - - -	97 134
when judge of probate may take, - - - - -	80 166
in justice suit, taken on notice, - - - - -	54 504
same, how taken, certified and returned, - - - - -	55 505
same, when may be read in evidence, - - - - -	56 505
same, commission to take. <i>See</i> COMMISSION.	
same, taken by commission, how evidence, - - - - -	60 505

	Sec. Page.
DEPOSITIONS; in suits for forcible entry and detainer,	8 651
how may be taken,	7 675
when allowed to be taken,	8 675
time of application for,	9 676
notice of application,	10 676
same, when several parties to suit,	11 676
same, how served,	12 676
same, may be omitted if waived,	13 676
deponent's oath,	14 676
examination for,	15 676
to be written by justice or otherwise,	16 676
certificate of justice to; form of,	17 676
how delivered by justice taking,	18 677
when not to be used,	19 677
objections to apprentice, and credibility of witness, &c.,	20 677
in one suit, when may be used in another,	21 677
in court below, when used in appellate court,	22 677
court may make rules as to taking, preserving, &c.,	23 677
witness how and when compelled to give,	24 677
out of state, taken how,	25 677
same, when commission to issue,	26 678
same how to be taken,	27 678
same, rules of court as to,	28 678
same, court may admit or reject; reasons,	29 678
to perpetuate testimony, when allowed,	30 678
same, notice of taking,	31 678
same, how taken,	32 679
same, how recorded,	33 679
same use of,	34 679
same, witness may be compelled to give,	35 679
to perpetuate testimony, without the state,	36 679
same, how taken,	37 679
same, notice of,	38 679
same, commission when to issue,	39 679
same, how taken and returned,	40 680
same, notice of taking in vacation,	41 680
same, supreme court make rules as to,	42 680
same, used as if taken within state,	43 680
to perpetuate testimony against all persons, how taken,	44 680
same, application for; proceedings for,	45 680
same, notice to persons concerned; publication,	46 680
same, how recorded,	47 680
same, when and where may be used,	48 681
taken in this state to be used elsewhere,	49 681
same, witnesses how compelled to give,	49 681
taken without state to be used before justice, how taken,	87 686
DEPUTIES OF COUNTY OFFICERS, oath of, penalty for not taking,	134 175
DEPUTY ASSESSOR, appointment of, oath of, duty,	116 172
DEPUTY CORONER, appointment and oath,	110 171
DEPUTY COUNTY SURVEYORS, appointment, duty, oath,	84 167
if interest in land, survey by whom,	84 167
DEPUTY COUNTY TREASURER, appointment and oath of,	46 160
oath of, when to be taken; penalty,	134 175
DEPUTY DISTRICT COURT CLERK, appointment of,	124 174
oath of,	125 174
same, when to be taken; penalty,	134 175
duty of,	126 174
DEPUTY REGISTER OF DEEDS, appointment, oath, duty,	24 157
may not administer oaths and receive acknowledgments,	34 159
oath of, when to be taken; penalty,	134 175
DEPUTY SHERIFF, appointment, oath, &c.,	51 161
to notify of vacancy in office of sheriff,	54 162
not to be attorney, &c., penalty,	63 163
when to take and file oath, penalty,	134 175
DEPUTY SURVEYOR-GENERAL of lumber, how appointed,	29 829
duties of. See SURVEYOR-GENERAL of lumber.	
DEPUTY WARDEN of state prison, appointment of,	45 793
keep journal of proceedings,	53 794
compensation of,	55 794
bond of,	58 794
accounts of,	64 795
when act for warden,	67 795
exempt from military and jury duty,	85 795
DESCENT. See TITLE to real property by descent.	
DETAINER, unlawful. See FORCIBLE ENTRY AND DETAINER.	
DEVISE. See WILL.	
of lands in trust, gives trustees power, but no estate,	12 383

MINNESOTA STATUTES 1858

	Sec. Page.
DEVISE in lieu of dower, election by widow,	18 409
same, when election to be made,	19 409
alien may make,	35 411
of lands, who may make,	1 425
married women may make,	1 425
of land, construed how,	2 425
land acquired after will made, when pass by it,	3 425
to subscribing witness, when void,	8 426
same, when valid,	9 426
DEVISEE, when real estate of deceased assessed to,	8 230
dying after will made, issue of when receive estate,	29 429
when liable to contribution,	35 430
when and in what proportion liable for debts of deceased,	53 446
when must contribute according to will,	54 446
dying without paying share of testator's debt, estate of liable for,	57 447
paying more than his share of same, may compel contribution,	58 447
not receive share until debts, &c., paid, unless on bond, &c.,	4 450
two or more receiving undivided estate, partition of same how made,	5 450
estate to be divided, if in common with other, to be severed,	12 451
final partition conclusive on,	18 452
liable for debts of deceased how. <i>See under DEBTS OF DECEASED PERSONS.</i>	
on same footing with heir as to debts of deceased,	31 614
DICE. <i>See GAMING.</i>	
DIPLOMA. <i>See DEGREES.</i>	
DIPLOMA, county medical society grant,	5 278
who examined for,	6 278
fee for,	7 278
trustees of institution of learning may grant,	223 316
same, confer what privileges,	224 316
DIRECTORS. <i>See under names of Corporations, Societies, &c.</i>	
DISEASE, contagious. <i>See INFECTED PERSON.</i>	
DISGUIISING to obstruct execution of law; penalty,	19 722
DISORDERLY CONDUCT before house of representatives, a contempt,	2 120
" " at election, fine for,	24 142
DISORDERLY HOUSES, village trustees may suppress,	138 302
DISSOLUTION OF PARTNERSHIPS. <i>See PARTNERSHIP.</i>	
what to be deemed,	12 834
before limitation, how take place,	24 835
DISTILLERY, fine for establishing or running in Sioux purchase,	10 340
U. S. or state officers to break up,	11 340
DISTRIBUTION OF ESTATES. <i>See PARTITION AND DISTRIBUTION OF ESTATES.</i>	
DISTRICT, term included in term town,	2 114
DISTRICT ATTORNEY, to be notified of suit against county commissioners,	260 111
may have legal advice from attorney general,	79 132
when elected,	1 139
act as to duties, &c., of,	— 164
to be elected; term of office; oath,	66 164
bond of,	67 164
duties of,	68 164
to advise county officers,	69 164
when not to receive fee,	70 164
when court may appoint for time being,	71 164
to file annual account with treasurer,	72 164
penalty for neglect of same,	73 165
to attend grand-jury; duties before them,	74 165
salary; county commissioners to fix,	75 165
not to be county treasurer,	37 159
when governor may remove,	4 247
when county commissioners fill vacancy,	7 247
sue for penalty, on plank road or turnpike company,	93 295
complain of violations of license law,	21 341
prosecute bond with license for such violation,	21 341
prosecute suits under law against gaming,	7 727
prosecute for violations of bank laws,	50 863
same, penalty for not doing,	50 863
DISTRICT COURT. <i>See CLERK OF DISTRICT COURT; COURTS; DISTRICT COURT, JUDGE OF.</i>	
one term of annually in Houston and Winona counties,	69 88
same, in Carver county,	87 88
two terms of annually in Stearns county,	97 89
one term a year in Brown county,	98 89
terms of in Meeker county,	113 91
county may be sued in its own,	256 110
prosecutions for violations of tax laws to be in,	74 132
prosecutions of corporations may be in,	76 132
clerk of, duty in contested elections,	71 150
clerk of commissioners to provide office, books, &c., for,	11 154
to hear cases of contested elections,	71 150

Office of
Notaries
Vol. 7 5/2
59 1860
see page
860

MINNESOTA STATUTES 1858

GENERAL INDEX.

949

	Sec. Page.
DISTRICT COURT, to issue certificate of result of same, - - - - -	74 161
appeal from decision of in same, - - - - -	74 161
" to from judge of probate in same, - - - - -	74 161
delinquent county commissioner tried before, - - - - -	1 153
to decide appeal from county commissioners, - - - - -	18 152
sheriff to attend, - - - - -	53 165
has cognizance of failure of payment by sheriff, - - - - -	56 162
may appoint substitute for absent district attorney, - - - - -	71 164
fix rates of bridge toll, - - - - -	296 330
when and how appoint receiver of corporation, - - - - -	347 335
has equity jurisdiction of application for receiver, - - - - -	348 336
continue bastardy suit when, - - - - -	5 344
has jurisdiction in trespass on school lands, - - - - -	4 363
grant divorces from bond of matrimony, - - - - -	7 463
same; jurisdiction, &c. <i>See under DIVORCE.</i>	
act as to, - - - - -	— 463
original and other jurisdiction and powers of, - - - - -	1 478
award all necessary writs, - - - - -	2 478
persons bound to appear at term not held to appear at next, - - - - -	8 479
process or proceeding in, not abate because judgeship vacant, - - - - -	9 479
if term not held, process when tested, - - - - -	10 479
adjournment before end of term not affect service or return of process, - - - - -	11 479
process issuing from, how tested, - - - - -	12 479
process sealed, signed, and returnable, how, - - - - -	13 479
process to be indorsed with name of person demanding it, - - - - -	14 479
may require books, &c., containing evidence in suit; judgment on refusal, - - - - -	15 479
term how adjourned; special term how appointed, - - - - -	16 479
grand and petit jurors how summoned, - - - - -	16 480
where held if court house wanting or insufficient, - - - - -	17 480
special venire for how ordered, - - - - -	18 480
grant writs of <i>ne exeat</i> and injunction, - - - - -	21 480
same, when and how granted, - - - - -	22 480
rules for, provided by supreme court, - - - - -	29 481
change names of persons, towns and villages, - - - - -	34 482
proceedings on petition to change person's name, - - - - -	35 482
same, to change name of town, &c., - - - - -	36 482
same, to be published how, - - - - -	37 482
clerk to keep separate record for changes of names, - - - - -	38 483
take jurisdiction of territorial district courts, - - - - -	41 483
same, - - - - -	42 483
official oaths of judges, &c., of, - - - - -	44 483
terms of, when and where held, - - - - -	48 484
same, judge when fix time of, - - - - -	53 485
same, - - - - -	56 486
expenses of how audited and paid, - - - - -	58 486
records and files of territorial district court to be transferred to, - - - - -	62 487
have jurisdiction of cases pending in territorial courts, - - - - -	63 487
appeals and writs of error, where taken from, - - - - -	63 487
records, &c., in territorial courts how demanded, - - - - -	64 487
enforce return of justice on certiorari, - - - - -	131 516
proceedings on certiorari from justice, - - - - -	133 516
same, award restitution if justice's judgment reversed, - - - - -	134 516
compel return by justice on appeal, - - - - -	142 518
compel justice to allow appeal, - - - - -	143 518
same, to amend return on appeal, - - - - -	144 518
open for what business in vacation, - - - - -	43 562
jurisdiction of in cases as to wife's estate, - - - - -	107 572
jurisdiction of in equity proceedings against corporations, - - - - -	— 506
when defendant must answer, - - - - -	48 630
admit attorneys to practice, - - - - -	6 667
has jurisdiction of cases under lien law, - - - - -	5 694
direct grand-juries to laws as to banks, - - - - -	49 863
DISTRICT COURT, JUDGE OF. <i>See JUDGES. to attend under</i>	
to fix term of court in Houston and Winona counties, - - - - -	59 83
same in Carver county, - - - - -	87 88
same, in Brown county, - - - - -	99 89
same, in Meeker county, - - - - -	113 91
to approve of substitute for insufficient jail, - - - - -	60 162
to certify fitness of probate judge for commissionership, - - - - -	80 166
at chambers, probate judge when has powers of, - - - - -	80 166
to fix penalty of delinquent assessor, - - - - -	116 172
to sanction appointment of deputy clerk, - - - - -	124 174
appoint commissioners to appraise lands for plankroad or turnpike, - - - - -	74 290
when order award of same paid to county, - - - - -	82 292
order tollgate moved on application, - - - - -	89 293
duty on appeal as to tollgate opened, - - - - -	101 297
fees for viewing plankroad or turnpike, - - - - -	103 297

MINNESOTA STATUTES 1858

950

GENERAL INDEX.

	Sec. Page.
DISTRICT COURT, JUDGE OF, direct grand-jury to law on furnishing liquor to Indians,	3 339
interested in town site lands, not to take official action as to them,	5 386
salary of,	18 477
same, payable how,	19 477
term of office,	20 477
reside in his district during term of office,	4 478
award all writs, in vacation,	2 478
if unable to hold court, or office vacant, proceedings,	6 478
if not present at opening court, how opened and adjourned,	7 479
adjourn term, appoint special term,	16 479
direct drawing of grand and petit jurors,	16 480
appoint place to hold court if court house insufficient,	17 480
order special venire when,	18 480
grant writs of <i>ne exeat</i> and injunction,	21 480
same, how and when,	22 480
file official oath how,	44 483
if interested in case, another judge to hear,	50 483
when fix term of court,	53 485
same,	56 486
demand and compel delivery of records, &c., of territorial district court,	64 488
appoint day, or special term, for hearing in vacation,	44 562
DISTRICT OFFICERS, when to be elected,	1 139
DIVIDEND. <i>See under names of Corporations.</i>	
when to be made by corporations not pecuniary,	337 334
DIVORCE. <i>See MARRIAGE.</i>	
laws on,	— 462
when marriages void without,	1 462
from bond of matrimony what causes of,	7 463
year's residence required for; exceptions,	8 464
for adultery, when may be denied though adultery proved,	9 464
in what name wife may sue for; answer may be without oath,	10 464
application for, to be to district court; complaint,	10 464
complaint for, contents of,	11 464
service of complaint and notice,	12 464
either party in suit for may have jury trial,	13 464
complaint for, proceedings on,	14 464
same, husband may be made to furnish wife money to prosecute,	15 464
same, while pending, court may prohibit husband from restraining wife,	16 464
same, court may take what steps for care of children,	17 465
final decree of, authority of court as to children,	18 466
same, court may modify as to children,	19 465
if granted, when wife may have her real estate,	20 465
same, wife may have personal estate restored how,	21 465
same, trustees to receive money for wife,	22 465
same, court when order further alimony,	23 465
same, when wife has right of dower,	24 466
same when court make wife allowance for support,	25 466
same, court may alter orders for alimony, &c.,	26 466
same, court to divide estate, allow alimony, &c., by what rule,	27 466
same, when revoked, with orders, &c., if parties intermarry again,	29 466
same, parties cohabiting before remarriage guilty of adultery,	30 466
same, marriage contract dissolved as to both parties,	31 466
same, when court may change name of female,	31 466
DODGE COUNTY, boundaries of, act of February 20, 1855,	62 83
part of annexed to Steele county, act of February 29, 1856,	132 93
DOGS, village trustees may regulate,	138 303
DOUBLE ASSESSMENT. <i>See ASSESSMENT, DOUBLE. Tax on Schools 1860</i>	
DOUBLE DAMAGES, recoverable of sheriff for false return, &c.,	107 245
embezzling under salvage law,	12 258
injuring and secreting sawlogs,	18 259
altering marks on animals,	2 346
DOUBLE VOTES AT TOWN ELECTION, disposed of,	29 183
DOUGLAS COUNTY, created and bounded, March 8, 1858,	235 107
governor to appoint commissioners; duties,	236 107
in fourth judicial district,	237 108
DOWER. <i>See ESTATE IN DOWER.</i>	
DRAINAGE OF LANDS. <i>See LAND DRAINAGE COMPANIES.</i>	
DRIVER. <i>See PUBLIC CARRIAGES.</i>	
penalty for employing drunken,	3 347
leaving horses unfastened, penalty,	4 347
damage occasioned by, owners liable for,	5 347
DRUNKENNESS, penalty for employing driver addicted to,	3 347
DRUNKARD. <i>See under GUARDIAN; PROBATE COURT.</i>	
probate court has charge of estate of,	3 489
powers and duties of guardians of,	18 491
during guardianship incapable of contracting,	42 494
DUEL; killing in to be murder in second degree,	24 705

MINNESOTA STATUTES 1858

GENERAL INDEX.

951

	Sec.	Page.
DUEL; second in fatal, accessory before the fact to same, - - - - -	25	705
fighting or being second or surgeon, disqualifies for office or voting, - - - - -	26	705
out of state, penalty for engaging in or challenging to, - - - - -	27	705
accepting or carrying challenge, aiding, &c., penalty, - - - - -	28	705
posting or reproaching person for not fighting, &c., penalty, - - - - -	29	705
EDUCATION. <i>See</i> AGRICULTURAL COLLEGE; COLLEGES; COMMON SCHOOLS; GRAMMAR SCHOOLS; INSTITUTIONS OF LEARNING; MINNESOTA INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB; STATE NORMAL SCHOOLS; SUPERINTENDENT OF COMMON SCHOOLS; UNIVERSITY OF MINNESOTA.		
of apprentices, provision for, (and next section,) - - - - -	8	472
EDUCATIONAL AND CHARITABLE SOCIETIES. <i>See</i> CORPORATIONS NOT PECUNIARY.		
act relative to, - - - - -	—	286
how may be organized, - - - - -	56	286
articles what to contain, - - - - -	56	286
when articles filed, powers of, - - - - -	57	287
what confer degrees, - - - - -	58	287
ELECTIONS. <i>See</i> CERTIFICATES; ELECTION, JUDGES OF; ELECTION PRECINCTS; INSPECTORS OF ELECTIONS; RETURNS; SPECIAL ELECTION.		
of Chisago county officers, first, - - - - -	4	76
“ Hennepin “ “ “ “ - - - - -	24	78
county and other officers in Sibley, Pierce, Rice, and Goodhue counties, - - - - -	42	80
for officers and county seat, Waseca county, - - - - -	160	97
for county seat of Freeborn county, - - - - -	172	98
“ “ “ Martin, Jackson, Nobles, and Big Sioux counties, - - - - -	195	102
for county seats, provisions for, - - - - -	1	111
to vacancy as officer of legislature, to be <i>viva voce</i> , - - - - -	13	121
of officers of legislature, must be by majority, - - - - -	13	121
“ “ “ “ “ “ - - - - -	31	123
of members of legislature, when and how, - - - - -	16	121
certificate of. <i>See</i> CERTIFICATE OF ELECTION.		
of officers of senate, when and how, - - - - -	24	122
“ “ “ house, “ “ “ - - - - -	27	123
act on mode of conducting, - - - - -	—	138
general, when; of whom, - - - - -	1	139
same, precinct judges of, how appointed, - - - - -	2	139
same, clerk of, how appointed, - - - - -	3	139
same, notice of to sheriff, - - - - -	4	139
same, sheriff how to post notice of, - - - - -	5	140
same, voters when to choose judge of, - - - - -	6	140
same, oath of judges and clerks of, - - - - -	7	140
same, oath how administered, - - - - -	8	140
same, opening and closing of polls, - - - - -	9	140
same, clerks to furnish stationery for, - - - - -	10	140
same, votes to be by ballot; how given, - - - - -	11	140
same, all names voted for on one ballot, - - - - -	12	140
same, where to be held, - - - - -	13	140
same, challenger of votes; oath, - - - - -	14	141
same, challenged vote when admitted; when not, - - - - -	15	141
same, false swearing to vote, perjury, - - - - -	15	141
same, fine for wrongful vote at, - - - - -	15	141
same, judges to provide ballot-box, - - - - -	16	141
same, arrangement of ballot-box, - - - - -	17	141
same, ballots how received and deposited, - - - - -	18	141
same, clerks to keep poll list, - - - - -	19	141
same, poll lists compared at adjournment, - - - - -	20	141
same, ballot-box, list, key, how kept, - - - - -	21	142
same, box and key, kept and re-delivered, - - - - -	22	142
same, judges to challenge illegal votes, - - - - -	23	142
same, order to be kept; fine for breach of, - - - - -	24	142
same, special constables at, - - - - -	24	142
same, canvass of; to be public, - - - - -	25	142
same, “ “ how conducted, - - - - -	26	142
same, excess of ballots to be destroyed, - - - - -	27	142
same, board to count votes, - - - - -	28	142
same, statement of result, - - - - -	28	143
same, judges how to dispose of poll books, &c., - - - - -	29	143
same, in unorganized counties; returns, - - - - -	29	143
same, fine for non delivery of poll-books, - - - - -	30	143
same, canvass by clerk of county commissioners, - - - - -	31	143
same, certificates how given, - - - - -	31	143
same, tie at, notice and new election, - - - - -	31	144
same, tie for county officers, decision, - - - - -	32	144
same, canvass for vote for member of congress, - - - - -	33	144
same, proceedings if tie at for member of congress, - - - - -	33	144
same, returns how procured if delayed, - - - - -	34	144
same, resignation of office; filling of vacancy, - - - - -	35	144
same, canvass of counties in one district, - - - - -	36	145

MINNESOTA STATUTES 1858

952

GENERAL INDEX.

	Sec.	Page.
ELECTIONS; general, to vacancy in legislature,	37	145
same, compensation of clerks and judges of,	38	145
same, to vacancy in legislature from county afterwards divided,	39	145
same, to vacancy, returns of,	40	145
same, returns, commissioners' clerk when not to refuse,	41	145
same, fine for violating laws as to,	42	145
no civil process to be served during,	45	146
decided by majority,	46	146
rules for judging of returns of,	47	146
commissioners' clerk to provide poll books for,	48	146
precincts for, how established,	49	147
same, list of to be published,	50	147
how conducted at new precincts,	51	147
of U. S. Senators, act for,	—	147
same, time of, joint convention for,	52	147
same, proceedings of joint convention,	53	147
same, mode of vote; certificate,	54	147
same, governor to notify the elected,	55	148
same, proceedings if office declined,	55	148
of presidential electors, act for,	—	148
same, notice of,	57	148
same, time of; conduct of,	58	148
same, returns; duty of judges,	59	148
same, returns how delivered,	60	148
same, canvass how made,	61	149
same, penalties of misconduct by officers of,	63	149
to vacancy in board of presidential electors,	64	149
to same, proceedings if tie,	65	149
to same, notice of result,	66	150
pay of clerks and judges, &c., of township elections,	67	150
contested, act for conduct of,	—	150
contest of, notice of, its contents,	70	150
same, service of notice; trial of case,	71	150
same, town and precinct; notice; judge,	72	150
same, town and precinct, trial of,	73	151
same, subpoenas in; rule of proceeding,	74	151
same, certificate; appeal,	74	151
same, technicalities, &c., disregarded,	74	151
notices of, how made and delivered,	26	158
register of deeds to canvass,	27	158
same, make and give certificates of,	27	158
same, duty of if tie at,	27	158
of town officers, provisions as to,	—	183
same, notice of,	30	183
for tax for county buildings, proclamation for,	107	196
same, conduct, form of ballot, canvass,	108	196
offices held by, how resigned,	1	246
for officers of religious societies,	15	279
same, who vote at,	16	279
same, notice of,	17	279
same, who preside at; certificate,	18	279
same, to vacancy, how notified,	27	281
same, to vacancy, how held,	28	281
same, after first, qualifications of voters,	29	281
officers in Protestant Episcopal church,	38	282
ELECTION; cemetery association officers,	40	284
same, trustees of,	48	285
same, trustees of, special,	50	285
of plank and turnpike road companies, of directors,	60	287
same, after first year,	64	289
same, omitted; another holden,	65	289
same, of officers of directors,	67	289
to decide on incorporation of village, ordered,	123	299
same, notice of; how held,	124	300
same, notice of how published,	125	300
same, who judges; laws applicable to,	126	300
same, qualifications to vote at,	127	300
same, result how determined; record of,	128	300
for village officers; how notified,	128	300
same, how held,	129	300
same, judges at; laws relative to,	130	300
same, canvass of votes,	131	300
same, who may vote; who eligible to office,	132	301
same, tie how decided,	132	301
same, when annually held,	133	301
by village trustees, of officers,	134	301
to fill vacancy in village office,	137	301

MINNESOTA STATUTES 1858

GENERAL INDEX.

953

	Sec. Page.
ELECTION , of directors of railroad company,	250 320
of directors of manufacturing or mining company,	272 325
same, how conducted,	273 325
failure of not dissolve such company,	274 325
omitted by such company for over three years, dissolves it,	274 326
of district surveyors-general of lumber, by legislature,	20 828
ELECTION, JUDGES OF ; how appointed in counties annexed for judicial purposes,	43 80
county commissioners to appoint,	2 139
notification of by sheriff,	2 139
to appoint clerk,	3 139
refusing to serve, substitute,	6 140
oath of,	7 140
oath, how administered,	8 140
how to open and close polls,	9 140
proceedings on challenging vote,	14 141
to provide ballot box,	16 141
to keep ballot box and key,	21 142
to re-deliver same at re-opening polls,	22 142
to challenge suspected voter,	23 142
to employ constable or appoint special constable,	24 142
to inflict penalty for disorder at election,	24 142
to canvass vote,	25 142
conduct of canvass, (and following sections,)	26 142
how to dispose of poll-books,	29 143
penalty for failure of to deliver poll-books,	30 143
compensation of,	38 145
for presidential electors, to seal and deliver poll-books,	59 148
same, penalty for failure,	59 148
same, to swear to his judgeship,	60 148
same, penalty for delinquency,	63 149
same, compensation of,	68 150
in towns, supervisors to be,	216 220
same, absent, voters may appoint,	216 220
to be judges at vote on incorporation of village,	123 300
same, notify such vote,	124 300
same, preside at meeting to vote,	125 300
same, verify and file vote,	128 300
same, notify meeting to elect village officers,	128 300
same, to be judges at first village meeting,	130 300
same, canvass and declare vote at same,	131 301
ELECTION PREGINCTS , how fixed in counties annexed for judicial purposes,	43 80
how fixed in Waseca county,	161 97
new, how petitioned for and laid out,	49 147
new list of to be published,	50 147
new elections how conducted,	61 147
ELECTOR . See PRESIDENTIAL ELECTOR; VOTE; VOTER.	
EMBEZZLEMENT . See SEARCH WARRANT.	
under salvage law; penalty,	12 258
same by public officer; penalty,	13 258
property of deceased before administration granted; penalty,	10 435
property of ward; proceedings by guardian, &c.,	25 470
by officer, agent or servant of bank, to be larceny,	22 711
by officer, agent or servant of corporation, larceny,	23 711
by carrier or bailee, larceny,	24 711
by warehouseman, forwarding or commission, merchant, their clerks, &c., larceny,	25 711
converting public moneys to use of custodian, to be,	26 711
same, penalty,	27 712
refusal by officer to pay money lawfully demanded, to be,	27 712
person so refused, not complaining, an accessory,	28 311
what not to be by officer,	29 712
testimony in, and next section,	10 734
property embezzled, how searched for,	1 737
same, how returned to owner,	4 737
same, how holden by peace officer,	39 785
same, deliverable to owner on proof of title,	40 785
same, magistrate holding, when deliver to owner,	41 785
same, when court may order delivered to owner,	42 785
EMIGRANT AID SOCIETIES . See CORPORATIONS.	
act as to,	— 318
how incorporated; powers,	233 318
what certificate to be filed before incorporation,	235 318
objects of,	235 318
what by-laws may make,	236 318
officers how chosen; term of office,	237 318
directors to make annual report,	238 318
directors, powers of in receipt of donations, &c.,	239 318
directors print pamphlets to aid and instruct emigrants,	240 318

MINNESOTA STATUTES 1858

954

GENERAL INDEX.

	Sec. Page.
EMIGRANT AID SOCIETIES. By-laws to specify duty of officers, <i>see chapt 40, 1861</i>	241 818
ENROLLMENT OF MILITIA. <i>See under MILITIA.</i>	
ENTRY. <i>See FORCIBLE ENTRY AND DETAINER; RIGHT OF ENTRY.</i>	
EQUITY. <i>See CHANCERY; COURT OF CHANCERY; DISTRICT COURT.</i>	
EQUITY JURISDICTION, to be in forms of civil actions, - - - - -	19 480
<i>See ACTION, in equity and chancery.</i>	
EQUITY PROCEEDINGS AGAINST CORPORATIONS, - - - - -	— 606
to be by injunction on bill filed by attorney general, - - - - -	1 606
injunction how issued and continued, - - - - -	2 606
jurisdiction of district court in; extent thereof, - - - - -	3 606
same not to impair special visitatorial power, - - - - -	4 607
same, how exercised, - - - - -	5 607
corporate property when sequestered under, - - - - -	6 607
same, when distributed among creditors, - - - - -	7 607
judgment of dissolution on what evidence of insolvency, - - - - -	8 607
where banking powers exercised, injunction on insolvency, - - - - -	9 607
same, who apply for injunction; final decree, - - - - -	10 607
same, appointment of receivers, - - - - -	11 608
same, powers and obligations of receivers, - - - - -	12 608
when stockholders or officers made parties, - - - - -	13 608
same, how done after issue of decree, - - - - -	14 608
same, bill to be filed in district court, - - - - -	15 608
same proceedings on such bill, - - - - -	16 608
same, proceedings if insolvent, - - - - -	17 608
property when and how distributed, - - - - -	18 608
when stockholders to contribute for company debt, - - - - -	19 608
decree to enforce payment by officers and stockholders, - - - - -	20 609
discovery by corporation, how compelled, - - - - -	21 609
same, by officers, agent, &c., of corporation, - - - - -	22 609
same, answers how far evidence, (and next sections,) - - - - -	23 609
if instituted, civil actions stayed how, - - - - -	25 609
provisions as to not apply to certain corporations, - - - - -	26 609
ERROR. <i>See WRIT OF ERROR.</i>	
ERROR IN PLEADINGS. <i>See under PLEADINGS.</i>	
ERRORS clerical and typographical, when disregarded, - - - - -	2 113
ESCAPE OF PRISONER, sheriff when repaid by county for loss by, - - - - -	255 110
ESTATE. <i>See ASSESSMENT; PERSONAL ESTATE; REAL ESTATE; TAXES.</i>	
real and personal of counties, how holden, - - - - -	252 110
ESTATE BY THE CURTESY, when husband entitled to, - - - - -	30 410
same, - - - - -	108 572
not affected by chapter on title by descent, - - - - -	11 413
not affected by proceedings in partition, - - - - -	12 599
how set off when part of property be sold, - - - - -	15 600
set off, or sold, if property sold, - - - - -	30 601
ceases if property sold, - - - - -	31 601
gross sum paid for; to be consented to, - - - - -	32 602
if sum not consented to, court may fix, - - - - -	33 602
amount of compensation, how fixed, - - - - -	34 602
proceedings if owner unknown, - - - - -	35 602
ESTATES OF DECEASED PERSONS. <i>See ADMINISTRATOR; EXECUTOR; EXECUTOR OR</i>	
ADMINISTRATOR; INSOLVENT ESTATES; INTESTATE ESTATES; WILL.	
all of, liable for what expenses, and how long, - - - - -	30 429
inventory, appraisal and collection of, laws as to, - - - - -	— 486
commissioners on claims against, appointment, proceedings, &c., - - - - -	— 440
contingent claims against, proceedings as to, - - - - -	— 445
partition and distribution of, proceedings, - - - - -	— 450
ESTATE IN DOWER; laws as to, - - - - -	— 407
widow entitled to, - - - - -	1 407
if husband exchange land, widow's election of, - - - - -	2 407
in land mortgaged by husband, - - - - -	3 407
in land mortgaged to secure purchase money, - - - - -	4 407
in surplus after sale of mortgaged land, - - - - -	5 407
in land mortgaged by husband, how estimated, - - - - -	6 408
in land aliened by husband, how estimated, - - - - -	7 408
assignment of by judge of probate, when, - - - - -	8 408
same, commissioners, how appointed, - - - - -	9 408
same, oath of commissioners, their doings, - - - - -	10 408
same, commissioners' doings recorded, &c., - - - - -	10 408
when estate cannot be conveniently divided, - - - - -	11 408
when widow entitled to may occupy with heirs, - - - - -	12 408
barred by wife joining in conveyance, - - - - -	13 408
barred by jointure, how, - - - - -	14 409
assent to barring, how given, - - - - -	15 409
barred by pecuniary provision in lieu of, - - - - -	16 409
election between and jointure or provision, - - - - -	17 409
election between and provision by will, - - - - -	18 409
election as to, when to be made, - - - - -	19 409

MINNESOTA STATUTES 1858

GENERAL INDEX.

955

	Sec.	Page.
ESTATE IN DOWER; if eviction from, or substitute for, new dower,	20	409
alien woman entitled to,	21	409
woman not resident of state entitled to, - - - - -	21	409
tenant of not to commit waste,	22	409
same, make repairs, &c.; liable in damages,	22	409
in action for, damages recoverable for withholding, -	24	409
same, measure of damages,	25	410
same, no damages allowed for certain improvements,	26	410
damages from heir, alienating lands subject to,	27	410
barred by accepting assignment of,	28	410
collusive recovery of, action to remedy, - - - - -	29	410
not affected by chapter on descent of real property,	11	413
probate court to direct admeasurement of,	3	489
reversion of, may be sold to pay debts of deceased, -	15	419
wife when entitled to on divorce,	24	466
if under proceedings in partition not affected by,	12	599
same, how set off when part of property to be sold,	15	600
same, how disposed of if property to be sold,	30	601
same, ceases on such sale, when, - - - - -	31	601
same, sum in gross allowed for,	32	602
same, if such sum not converted to, proceedings,	33	602
same, remuneration for sale of, how fixed,	34	602
same, if unknown, provision for owner, - - - - -	35	602
same, inchoate right of dower, proceedings, - - - - -	36	602
same, wife may release such inchoate right,	37	602
ESTATE, insolvent. <i>See</i> INSOLVENT ESTATES.		
ESTATE IN LANDS. <i>See</i> DEVISE; DEVISEE; EXPRESS TRUSTS; GUARDIAN; LANDS; PROBATE COURT; REAL ESTATE; TITLE TO REAL PROPERTY; WILLS.		
classified,	1	377
of inheritance, called fee simple, or fee,	2	377
same, not defeasible or conditional, called what,	2	377
in fee tail, to be allodial,	3	377
conveyed by tenant in tail, to be allodial,	4	377
of inheritance and for life, called what,	5	378
for years, called what,-	5	378
at will or by sufferance, to be chattel interests,	5	378
same, exempt from execution,	5	378
for life of third person, when freehold; when chattel real,	6	378
how classified as to time of enjoyment,	7	378
in possession and in expectancy, defined,	8	378
in expectancy, how divided,	9	378
future, defined,	10	378
same, when are remainders,	11	378
in reversion, defined,	12	378
future, classified as vested and contingent,	13	378
same, when void,	14	378
power of alienating, how may be suspended, -	15	378
contingent remainder in fee, how created,	16	378
successive for life, how limited,	17	379
for life, what remainder permitted on,	18	379
same, remainder on more than two lives when take effect,	19	379
for years, contingent remainder when allowed on,	20	379
for life, not to be limited on remainder on term of years,	21	379
in remainder limited on death of person without heirs, construction,	22	379
future provisions as to apply to chattels real,	23	379
same, how may be created,	24	379
same, two or more alternative allowed,	25	379
same, not void for improbability of contingency,	26	379
in remainder, may be limited on contingency which abridges precedent estate,	27	379
of heirs of tenant for life, they take as purchasers,	28	379
for life, certain remainders on how construed,	29	380
future, to heirs, &c., posthumous children may take,	30	380
same, on death of person without issue, birth of his posthumous child defeats,	31	380
expectant not defeated by alienation, &c., of precedent estate,	32	380
same, how may be defeated,	33	380
in remainder, how not defeated,	34	380
expectant, descendible, alienable, &c., like estates in possession,	35	380
same, who entitled to profits of,	40	381
same, created when,	41	381
same, what abolished,	42	381
how classified as to number and connection of owners,	43	381
grants of, to more than one person, constitute estates in common when,	44	381
same, rule not to apply where,	45	381
nominal conditions of grant of, void,	46	381
every, a legal right when, uses and trusts how far abolished,	1	382
now held as use, made a legal,	2	382
right to possess lands and receive profits, made a legal,	3	382

MINNESOTA STATUTES 1858

	Sec. Page.
ESTATE IN LANDS given to use of, or in trust for, person, vests in him, - - - - -	4 382
what may be given by instruments in execution of a power, - - - - -	56 396
in fee, when married woman may dispose of under power, - - - - -	57 396
acquired after making will, when given by it, - - - - -	3 425
fraudulent conveyance of. <i>See FRAUDULENT CONVEYANCE.</i>	
ESTATE FOR LIFE, in partition of real property, provisions for. <i>See under PARTITION, &c.</i>	34 411
ESTATE BY SUFFERANCE, how determinable, - - - - -	34 411
ESTATE AT WILL, how determinable, - - - - -	34 411
notice to terminate, what sufficient, - - - - -	— 260
ESTATE FOR YEARS, how provided for in partition of real property. <i>See under PARTITION, &c.</i>	— 260
ESTRAYS, act as to, - - - - -	— 260
<i>See SALVAGE. LOST MONEY AND GOODS.</i>	
who may take up, - - - - -	1 260
taker notify owner, - - - - -	2 260
notice by taker if owner unknown, - - - - -	3 260
finder to cause appraisal of, if worth over \$10, - - - - -	4 260
owner may have within a year, - - - - -	5 260
if owner and finder disagree on charges, justice settle, - - - - -	6 260
finder may have sale after one year, - - - - -	7 260
penalty for taking away from finder, - - - - -	8 261
" for neglect of finder to advertise, &c., - - - - -	9 261
act of August 7, 1858 as to, - - - - -	— 262
finder how to advertise, - - - - -	15 262
report to justice, appraisal, - - - - -	16 262
oath of finder to justice, - - - - -	17 262
justice's description to district clerk, - - - - -	18 262
advertised if worth over \$10, - - - - -	19 262
finder when to own, - - - - -	20 262
worth over ten dollars, reported to justice, - - - - -	21 262
justice's warrant and sale of same, - - - - -	22 262
horse, mule, or ass, worth over \$20, disposal of, - - - - -	23 263
county estray fund from payments for, - - - - -	24 263
finder's fees, - - - - -	25 263
finder to pay what fees at reporting, - - - - -	27 263
clerk's register of, - - - - -	28 263
compensation for keeping, - - - - -	29 263
work performed by, allowance, - - - - -	30 263
when owner may reclaim, - - - - -	31 263
when not to be taken up, - - - - -	32 263
how not to be taken out of county, - - - - -	33 264
fatted may be killed, proceedings, - - - - -	34 264
stock hogs, finder may buy how, - - - - -	35 264
EVIDENCE. <i>See AUTHENTICATION OF RECORDS, DEPOSITION, PERJURY, SUBPENA, TESTIMONY,</i>	
WITNESSES. <i>Chap. 17, §§ 1565</i>	
revised statutes to be, - - - - -	6 115
auditor's certified copies to be, - - - - -	31 128
notary's protest to be <i>prima facie</i> , - - - - -	96 134
proceedings of county commissioners, attested, &c., to be, - - - - -	4 153
county surveyor's certificate to be, - - - - -	84 187
copies of certain public documents, when to be, - - - - -	135 175
certified copy of justice's and constable's bond, of its execution, - - - - -	40 185
certified copy of town clerk's record, - - - - -	65 189
certified copy of justice's bond, of itself, - - - - -	228 222
register's certificate of unpaid tax return to be, - - - - -	40 235
county treasurer's books, &c., to be <i>prima facie</i> , - - - - -	113 245
certified copy of articles of association of road company, - - - - -	63 288
transfer book of plank road, &c., company, - - - - -	93 295
of publishing legal notices relative to village, what, - - - - -	138 303
tax deed of village lot, how, - - - - -	169 308
transfer book of manufacturing, &c., company to be, - - - - -	287 328
court may compel production of corporation books in, - - - - -	327 333
in bastardy case, complainant may be made to give, - - - - -	2 343
copy of recorded chattel mortgage, how far to be, - - - - -	5 348
in suits as to town site lands, what to be, - - - - -	9 388
jury to have what with them during deliberations, - - - - -	25 560
answers of officers, &c., of corporations, against it, - - - - -	23 609
same, not to be, on indictment, - - - - -	24 609
to repel inventory filed by executor, &c., - - - - -	9 611
documentary, party may request admission of, - - - - -	11 626
same, if refused and afterward admitted, expense how paid, - - - - -	11 626
same, court may order permission to examine by either party, - - - - -	12 626
same, may be excluded if permission refused, - - - - -	12 626
of sale under mortgage, how perpetuated, (and following sections), - - - - -	14 645
entry on execution against garnishee, how, - - - - -	14 661
laws relative to, - - - - -	— 675
records, &c., of courts of other states or of the United States, how, - - - - -	54 682
printed copy of Minnesota statutes, - - - - -	55 682

MINNESOTA STATUTES 1858

GENERAL INDEX.

957

	Sec. Page.
EVIDENCE, same, of statutes of other states or United States, - - - - -	56 682
unwritten, or common law of same, how, - - - - -	57 682
foreign laws, how proved in, - - - - -	58 682
exemplification of justice's judgment, how to be, - - - - -	59 682
of publication of notice in newspaper, - - - - -	60 683
of publication of notice of sale of real property, - - - - -	61 683
same, affidavits of, to be, - - - - -	62 683
of publication of notice required by law, - - - - -	63 683
copy of papers for, how to be certified and sealed, - - - - -	64 683
same, when seal not required, - - - - -	65 683
written instruments may be, on what acknowledgment, &c., - - - - -	66 683
same, exception as to promissory notes, bills of exchange, wills, - - - - -	66 683
papers deposited for, receipted for how, - - - - -	67 683
same, how filed and kept, - - - - -	68 683
same, may be used how, - - - - -	69 684
same, open to examination for fee, - - - - -	70 684
same, officer's certificate of loss of, evidence, - - - - -	71 684
as to loss of instrument, how admitted, - - - - -	72 684
what, as to note, &c., lost, - - - - -	73 684
account books, how to be, - - - - -	76 685
same, entries in, how proved, - - - - -	77 685
same, if postmarks in, ledger to be produced, - - - - -	78 685
same, entries in by deceased person, how received, - - - - -	79 685
signature on execution of written instrument proves itself until disproved, - - - - -	80 685
justice's docket to be, before him, - - - - -	81 685
same, transcript from to be where, - - - - -	82 686
same, when clerk of district court certify transcript, - - - - -	83 686
proceedings before justice to be, on what proof, - - - - -	84 686
possession of note to be, of indorsement, - - - - -	85 686
certificate of land office to be, how far, - - - - -	88 686
recorded deeds, mortgages, &c., how far to be, - - - - -	89 687
certified copies of surveys, to be, - - - - -	90 687
oath or affidavit, how certified to be, - - - - -	91 687
copies of records, certified by register of deeds, to be, - - - - -	97 688
in prosecution for forgery and counterfeiting, what, - - - - -	8 718
same, sworn certificate of certain officers to be, - - - - -	9 718
same, what sufficient, of intent to defraud, - - - - -	12 718
in prosecution for perjury, what to be, - - - - -	6 720
in suit for losses by gaming, on oaths of parties, - - - - -	9 727
truth may be, in libel suit, - - - - -	6 734
in prosecution for embezzling, what sufficient, - - - - -	10 735
on demand for fugitives from justice, (and next section), - - - - -	1 738
grand-jury may receive what, - - - - -	35 752
same, exclude what, - - - - -	36 752
same, must weigh; when may receive for defendant, - - - - -	37 753
same, on what find indictment, - - - - -	38 753
confession how far to be, - - - - -	6 782
of penetration, will sustain charge for rape, or crime against nature, - - - - -	7 782
what jury in criminal case may have with them during deliberation, - - - - -	15 783
certified copy of minutes of conviction and judgment to be, - - - - -	44 786
what, for sheriff to retain prisoner, - - - - -	30 792
what to warden of state prison, receiving prisoner, - - - - -	78 796
in actions for militia fines, - - - - -	25 810
of right to hold public arms, what, - - - - -	48 819
of publication of notice of limited partnership, what, - - - - -	10 834
of fireman's exemption, what, - - - - -	3 836
of authentication of records, judicial proceedings, legislative acts, &c., - - - - -	— 870
under act for apprehension of fugitives from service or labor, - - - - -	— 872
same, - - - - -	— 874
to permit benefit of pre-emption act, - - - - -	13 876
same, - - - - -	3 877
same, forms of, - - - - -	— 877
EXAMINATION, for diploma and membership of medical society, - - - - -	5 278
qualifications for, - - - - -	6 278
of insolvent debtor. <i>See</i> INSOLVENT DEBTOR.	
of candidate for admission as attorney. <i>See</i> ATTORNEY.	
under proceedings to keep the peace. <i>See</i> RECOGNIZANCE TO KEEP THE PEACE.	
of offenders; warrant to bring up for, - - - - -	2 745
apprehension for, may be in any county, - - - - -	3 745
recognizance may be given without, - - - - -	4 745
same, how taken, - - - - -	5 745
to be before whom, - - - - -	8 746
how adjourned, - - - - -	9 746
default on non-appearance for, - - - - -	10 746
committal if no recognizance, - - - - -	11 746
conduct of examination, (and next two sections,) - - - - -	12 746
testimony on, to be in writing and signed, - - - - -	15 746

MINNESOTA STATUTES 1858

	Sec. Page.
EXAMINATION, discharge from, when,	16 746
when no bail allowed on,	17 746
defendant when discharged on bail,	18 747
same, when committed for trial,	18 747
justice may associate another with himself for,	24 747
how certified and returned by justice,	25 747
EXCEPTIONS, on trial; defined; when taken; must be material,	55 564
when and how stated,	56 564
no particular form of statement; what necessary,	57 564
to challenge of jury. See CHALLENGE,	774
how alleged in district court; allowance and effect of,	7 778
recognizance on,	9 778
commitment if no recognizance on,	10 778
EXCHANGE. See BILLS OF EXCHANGE.	
EXCUSABLE HOMICIDE, what,	6 703
EXECUTION OF POWERS. See POWERS.	
EXECUTION OF WRITINGS. See under names of writings.	
EXECUTION. See EXEMPTION; JUDGMENT DEBTOR; PROCESS; WARRANT OF DISTRESS.	
how to issue against county commissioners,	263 111
notarial seal and register exempt from,	93 134
purchase by sheriff at sale under, void,	58 162
levied but not collected, sheriff leaving office may finish,	59 163
cemetery lands exempt from,	54 286
against plank road or turnpike company,	96 295
when issue against trustees of institution of learning,	227 317
against corporation, when may be levied on property of stockholder,	321 332
when defendant may stay by pointing out corporate property,	323 333
against corporations, may be levied in what county,	358 337
in trespass on school lands, how levied,	28 366
same, form of,	29 366
same, constable's duty under; sale under,	31 366
how issued by justice if set-off of judgments,	72 508
on judgment by confession before justice,	77 509
stay of, on justice's judgment,	81 509
same, recognizance by party staying,	82 510
same, form of such recognizance,	83 510
same, execution on expiring of stay,	84 510
same, at return of execution after judgment for amount collected from bail,	85 511
same, execution previously issued, revoked,	86 510
same, defendant discharged if committed,	86 510
on transcript of justice's judgment, force of,	88 510
on justice's judgment, issued on demand,	89 511
same, contents of,	90 511
same, justice's and officer's entries on,	91 511
same, unsatisfied, how renewable,	92 511
same, notice of sale under,	93 511
same, sale how made; return on same,	94 511
same, officer selling under, not to buy property,	95 511
same, if no property found, summons to garnishees,	96 511
same, officer holding to receive money paid on,	97 512
same, on attachment; plaintiff's bond before issue,	117 514
same, on attachment, general rule as to issue of,	122 515
on writ of restitution at reversal of justice's judgment,	134 516
suspended how on appeal from justice,	138 517
justice's, for costs only,	167 520
same, form of,	178 522
same, for costs, against malicious complainant,	198 525
same, for costs, against complainant not paying same or giving security,	200 526
same, in criminal case, form of,	218 528
against the body, repeal of laws permitting,	128 548
under judgment for balance due on undertaking to re-deliver attached property to sheriff,	156 552
may issue within five years,	80 567
three kinds of writs of; what,	81 567
how directed; contents of,	82 567
when made returnable,	83 568
when certified copy of record to be served with it,	84 568
issue after five years on leave of court, how,	85 568
against property of person deceased after judgment,	86 568
directed to what sheriff,	87 568
property liable to attachment subject to,	88 568
levied how; property not affected by until levy,	89 568
property levied under claimed by third person, proceedings,	89 568
property exempt from enumerated,	90 568
same, not exempt from execution for purchase money of it,	91 569
same. See EXEMPTION; HOMESTEAD EXEMPTION.	
when part of property exempt how levied; appraisal,	103 571

MINNESOTA STATUTES 1858

GENERAL INDEX.

959

	Sec. Page.
EXECUTION, same, selection for exemption, - - - - -	104 571
on growing crops, how levied, - - - - -	105 571
how levied against judgment debtor, - - - - -	109 572
notice of sale under, how given, - - - - -	110 572
penalty for selling under, without notice, - - - - -	111 572
sale under, how made, - - - - -	112 572
redemption of real estate sold under, - - - - -	113 572
same, - - - - -	21 646
same, allowed to whom, - - - - -	114 573
same, limitation of time for, - - - - -	115 573
same, when and how permitted by one redeptioner from another, - - - - -	116 573
same, if not made, purchaser when to have deed, - - - - -	116 573
same, owner restored to estate if he make, - - - - -	116 573
same, payment for to be to whom; tender equivalent to payment, - - - - -	117 573
same, redeptioner's authority how shown, - - - - -	118 573
same, order to stay waste during time for; waste what, - - - - -	119 574
purchaser of property sold under, his remedy for eviction, - - - - -	120 574
against several defendants, when one may compel contribution, - - - - -	121 574
returned unsatisfied, examination of judgment debtor, - - - - -	122 574
property concealed from, examination of judgment debtor, - - - - -	123 574
judgment debtor may be arrested to answer as to, - - - - -	124 575
payment on by person indebted to judgment debtor, - - - - -	125 575
examination of garnishee after issue or return of, - - - - -	126 575
same, testimony on, - - - - -	127 575
same, reference on, - - - - -	128 575
judge's order to apply property in satisfaction of, - - - - -	129 575
receiver of judgment debtor's property for, - - - - -	130 575
provisions as to proceedings supplementary to, apply to justice's executions, - - - - -	135 576
granted to enforce restitution on new trial where previous judgment executed, - - - - -	7 595
damages recoverable for injury to real property sold under when, - - - - -	12 596
on judgment on official bond, first enforced against principal, - - - - -	6 615
same, for greater amount than liabilities of sureties, how collected of each, - - - - -	7 615
against county, how granted, - - - - -	20 617
how stayed on appeal, on judgment to pay money, - - - - -	13 622
same, on judgment to assign property, deliver documents, &c., - - - - -	14 622
same, on judgment to execute conveyance, - - - - -	15 622
same, on judgment to sell or deliver real estate, - - - - -	16 622
how stayed by writ of error, - - - - -	23 623
same, - - - - -	25 623
against garnishee, - - - - -	11 661
same, garnishee to have costs from property by him delivered, - - - - -	12 661
same, indorsement of receipt from garnishee, - - - - -	13 661
same, such indorsement how evidence, - - - - -	14 661
same, officer's proceedings on delivery by garnishee, - - - - -	15 661
same, bank bill paid by garnishee, how used, - - - - -	16 661
under lien law, how satisfied if title to land levied on not good, - - - - -	30 698
same, if property cannot be sold, - - - - -	31 698
EXECUTOR. See EXECUTOR OR ADMINISTRATOR; EXECUTRIX; INTESTATE ESTATES; PROBATE.	
personal estate held as, where assessed, - - - - -	125 198
same, and when held jointly, - - - - -	9 231
so as to be described in assessment roll, - - - - -	18 232
real and personal estate of assessed at full value, - - - - -	18 232
when present will to probate court, and signify as to acceptance, - - - - -	15 427
same, neglect to do, a misdemeanor; penalty, - - - - -	16 427
may retain possession of certain estate until decision of court, - - - - -	34 429
term includes "administrator with will annexed," - - - - -	40 431
when receive letters testamentary, - - - - -	1 431
bond of on will, - - - - -	2 431
if residuary legatee, bond of, - - - - -	3 431
not accepting trust or giving bond, not to act as executor, - - - - -	4 431
not accepting trust or giving bond, letters issued to others, - - - - -	5 431
same, administration with will annexed granted, - - - - -	5 431
a minor when will proved, proceedings, - - - - -	6 432
administrator with will annexed, to act as, - - - - -	7 432
same, - - - - -	11 432
husband not to be in right of wife, - - - - -	8 432
when probate court may remove, - - - - -	9 432
dying or removed, trust executed how, - - - - -	10 432
if all appointed not authorized, authority of those who are, - - - - -	11 432
of executor, cannot act; administration with will annexed granted, - - - - -	12 432
several, joint or several bond may be required, - - - - -	13 432
dying, administration with will annexed granted, - - - - -	11 435
demand and recover property of deceased from administrator, if will found, - - - - -	17 436
acts of before revocation of appointment valid, - - - - -	18 436
if residuary legatee need not make inventory, - - - - -	1 436

MINNESOTA STATUTES 1858

	Sec. Page.
EXECUTOR OR ADMINISTRATOR not individually liable on stock held as such, - - -	280 327
may represent and vote on such stock, - - -	281 327
laws as to sale of land for payment of debts by, - - -	- 418
sell lands of deceased for debt, when, - - -	1 418
same, how obtain license from probate court, - - -	2 418
same, proceedings as to granting license, (and next sections,) - - -	3 418
same, be examined as witness; other witnesses, - - -	6 418
same, license to sell all or part, - - -	7 418
same, when give bond on sale, - - -	8 418
same, proceeds assets; how accounted for, - - -	9 419
same, license prevented by security for debts how, - - -	10 419
same, how sue for such security, - - -	11 419
same, order of sale by court, - - -	12 419
same, order of sale what to specify, - - -	13 419
same, may sell on receipt of certified copy of order, - - -	14 419
same, may sell reversion of dower for, as other estate, - - -	15 419
same, sale how conducted, (and next sections,) - - -	16 419
same, executor, &c., himself not to buy at, - - -	18 419
same, credit at; payment how secured, - - -	19 420
same, return on sale; to be approved by probate judge, - - -	20 420
same, sale to be confirmed if legal, - - -	21 420
same, oath before selling, - - -	22 420
same, affidavit of notice of sale by, - - -	23 420
same, sale postponed how, - - -	24 420
same, notice of postponement of sale, - - -	25 420
sell real estate to pay legacies how, - - -	26 420
sell interest in contract to buy lands, how, - - -	27 421
same, sale how made; bond by purchaser, - - -	28 421
same, condition of purchaser's bond on sale, - - -	29 421
same, assignment by executor to purchaser on sale, - - -	30 421
same, proceeds of sale how disposed of, - - -	31 421
sales by, subject to what charges; bonds by purchasers at, - - -	32 421
foreign, file copy of appointment, - - -	33 421
same, how licensed to sell real estate to pay debts, legacies, &c., - - -	34 421
same, if bound by sufficient surety no other required, - - -	35 422
same, not filing foreign bond, must give bond how, - - -	36 422
same, bond for surplus from sale by, - - -	37 422
surplus from sale of real estate by considered real estate, - - -	47 423
costs if objection to power to sell real estate by, - - -	49 423
limitation of actions against for real estate sold, - - -	50 423
same, exception to rule, - - -	51 424
sale of real estate for debts by, if contested, valid on what conditions, - - -	52 424
remedy on probate bond for misconduct by, - - -	53 424
sale of real estate for debt by, when to be valid if contested by claimant adverse to title of deceased, - - -	54 424
selling real estate fraudulently, how liable, - - -	55 424
make and return inventory of estate when, - - -	1 436
inventory not required from executor being residuary legatee, - - -	1 436
same, appraisal under; appraisers how appointed, - - -	2 437
same, form of appointment of appraisers, by justice, - - -	3 437
same, appraisal, how made and certified, - - -	4 437
same, separate of furniture, &c., allowed widow; same not to be assets, - - -	5 437
pay debts from personal estate if sufficient, if not, from real estate, - - -	6 437
has right to possess all real and personal estate, &c., of deceased, - - -	7 437
keep buildings and fences in repair, - - -	7 437
suspecting embezzlement, proceed how, - - -	8 437
same, if person cited refuse to appear, proceedings, - - -	9 437
proceedings to compel account from persons entrusted with property, - - -	10 438
compound with debtor, how, - - -	11 438
interest of deceased in estate mortgaged by him, to be assets, - - -	12 438
duty of if such premises redeemed or sold, - - -	13 438
how buy real estate under execution and sell same, - - -	14 438
same, if not sold, how assigned or distributed, - - -	14 438
sue for and recover property fraudulently conveyed by testator, - - -	16 438
same, to be done on application of creditors, and security for costs, &c., by them, - - -	17 439
same, disposition of property recovered, - - -	18 439
present off-set to claim against estate before commissioners, - - -	9 441
claims against or for, how far commissioners on estate may decide, - - -	12 441
may pay debts due at future day, - - -	13 441
what suits may be brought against after commissioners appointed, - - -	15 441
defend suit against deceased pending at his death, - - -	16 441
same, judgment against how certified and paid, - - -	16 441
may bring necessary suits or prosecute those pending, - - -	17 442
suits by, set-offs in; judgment against, the true balance, - - -	18 442
appeal from decision of commissioners on estate; proceedings (and next sections,) - - -	20 442
declining to appeal from same, how other person may appeal, - - -	29 442
claim by against estate he represents, appeal from disallowance of, how notified - - -	30 443

MINNESOTA STATUTES 1858

GENERAL INDEX.

961

	Sec. Page.
EXECUTOR OR ADMINISTRATOR, time for paying debts how allowed to, - - - - -	31 443
same, may apply for what extension of, - - - - -	32 443
same, proceedings on application for, - - - - -	33 444
same, how extended at death, &c., of executor, &c., - - - - -	34 444
when must pay debts in full within limited time, - - - - -	35 444
order of payment if assets insufficient, - - - - -	36 444
pay dividend when, - - - - -	37 444
court order payment of debts and distribution of assets when, - - - - -	38 444
same, payment and distribution, suspended if appeal, - - - - -	39 444
same, if appeal decided, order of payment, - - - - -	40 444
further decree for distribution by, - - - - -	41 445
personally liable to creditors when, - - - - -	42 445
time of payment of debts by, how notified to creditors, - - - - -	43 445
creditor must make demand of within two years, - - - - -	44 445
retain estate for contingent claims, when, - - - - -	46 445
when must pay contingent claim accruing after time for presentation, - - - - -	49 446
defense by, of full administration, to contingent claim, - - - - -	51 446
same, judgment on, - - - - -	52 446
liable to what actions, when not liable to attachment on execution, - - - - -	50 447
chargeable, in his account, with what, - - - - -	1 448
how account for personal estate, - - - - -	2 448
not gain or lose by alteration of personal estate, when, - - - - -	3 448
responsible for excess over appraisal, or sale at less, when, - - - - -	3 448
sale of personal estate to pay debts, when ordered on application of, - - - - -	4 448
same, account for at price at which sold, - - - - -	5 448
when not accountable for debts due deceased, - - - - -	6 448
how accountable for income of real estate, - - - - -	7 448
account for use of real estate by himself, how, - - - - -	7 448
accountable for loss to estate by his neglect, - - - - -	8 448
when render account of his trust; may be examined on oath respecting it, - - - - -	9 448
compensation of; when that given by will to suffice, - - - - -	10 449
same, commission allowed as, if none under will, - - - - -	11 449
suit on bond of for neglecting to render account, - - - - -	12 449
costs awarded against, how paid, - - - - -	13 449
notice of examination of account of, - - - - -	14 449
retain estate to support children younger than seven years, - - - - -	1 450
may apply for decree for distribution of estate, - - - - -	4 450
when pay expenses of partition and distribution of estate, - - - - -	19 452
bonds of, how taken, - - - - -	1 453
same, when creditor may sue on, - - - - -	2 453
same, when next of kin may sue on, - - - - -	3 453
same, when probate court may authorize suit on, - - - - -	4 453
same, suit on for not obeying order of court, - - - - -	5 453
same, suit on in what name; execution how issue, - - - - -	6 453
same, probate judge give permission to sue on; furnish copies and certificate, - - - - -	7 453
same, execution in suit on for benefit of person, - - - - -	8 454
same, execution in suit on by judge for malfeasance, - - - - -	9 454
same, disposal of money recovered on suit on by judge, - - - - -	10 454
same, <i>scire facias</i> on, - - - - -	11 454
same, who may present claims for damage by breach of, - - - - -	12 454
conveyance by in pursuance of contract by deceased, - - - - -	1 455
same, notice of petition and hearing for, - - - - -	2 455
same, hearing on, - - - - -	3 455
same, when decree for, - - - - -	4 455
same, appeal from decree; if none, conveyance how made and recorded, - - - - -	5 455
same, petition when dismissed by judge of probate, - - - - -	6 455
same, bill in chancery for, - - - - -	7 455
same, chancery hearing and decree on, - - - - -	8 455
same, court direct conveyance to be made, - - - - -	9 455
same, effect of, - - - - -	10 456
same, recorded, copy of, decree for, effect of, - - - - -	11 456
same, decree for may be enforced by process, - - - - -	12 456
take by conveyance to which deceased entitled, - - - - -	13 456
may sue without joining person actually interested, - - - - -	29 535
costs in action by or against, how charged, - - - - -	15 579
fees of; extra allowance when, - - - - -	6 586
actions by or against, laws as to, - - - - -	610
same, what do not survive to, - - - - -	1 610
same, what may be maintained by, - - - - -	2 610
same, for death by wrong of another, when; damages; how used, - - - - -	3 610
same, several executors, &c., taken as one person, - - - - -	4 610
same, judgment on failure to answer not evidence of assets, - - - - -	5 610
same, when may be commenced by, - - - - -	6 610
same, executor of executors cannot maintain, - - - - -	7 611
same, against executor, &c., as individual, does not affect property of deceased, - - - - -	8 611
same, evidence against inventory, - - - - -	9 611
same, not against executor of his own wrong, but as administrator, - - - - -	10 617

MINNESOTA STATUTES 1858

962

GENERAL INDEX.

	Sec. Page.
EXECUTOR OR ADMINISTRATOR, same, against next of kin, for debts of estate,	11 611
same, next of kin, how liable,	12 611
foreign, may sue, &c., on filing copies of appointment,	34 614
rights of under lien laws,	18 696
EXECUTRIX, unmarried, marrying, authority ceases,	8 432
husband not to be executor in right of,	9 432
EXEMPLARY DAMAGES. <i>See under</i> DAMAGES.	
EXEMPLIFICATION OF JUSTICE'S JUDGMENT, how evidence,	59 682
EXEMPTION. <i>See</i> HOMESTEAD EXEMPTION.	
from taxation; of what property,	4 229
same, of Indians,	4 230
same, under act of 28th January, 1858,	57 237
taxes, execution, &c., of cemetery lands,	54 286
of fire buckets, &c., from seizure, &c.,	138 302
from execution, of what property,	90 568
same, not apply to execution for purchase money, of such property,	91 569
same, of part of property levied on; proceedings,	— 571
of wife's property, from husband's liabilities,	106 571
same, district court has jurisdiction of cause,	107 572
from service on grand-jury, who,	4 749
from service on jury, not ground for challenge,	25 774
from military and jury duty, of officers, &c., of state prison,	85 796
from highway and jury duty, of members of volunteer companies,	14 804
from military duty, of members of fire company,	1 836
same, after five years' service, from militia, highway and jury duty,	2 836
same, what evidence of his exemption,	3 836
EXHIBITIONS. <i>See</i> PUBLIC SHOWS AND EXHIBITIONS.	
EXPECTANCY. <i>See under</i> ESTATES, IN LANDS.	
EXPRESS TRUSTS, for what purposes permitted,	11 382
when to operate as powers in trust,	14 383
same, land how to descend,	15 383
what trustees undertake by,	16 383
how may be directed by maker,	17 383
what interest remains in grantor of,	18 383
omitted in conveyance, effect,	20 383
sales in contravention of void,	21 384
when purposes of cease, trustees estate ceases,	23 384
how executed after death of surviving trustee,	24 384
how trustees of may resign,	25 384
trustees of removable how,	26 384
court of chancery may appoint to vacant trusteeship,	27 384
EXTRA SESSION OF LEGISLATURE, convened how,	9 126
FALSE IMPRISONMENT, punishment for,	41 707
trial for may be where,	42 707
FARE. <i>See</i> TOLL.	
rates of on railroad,	254 321
FARO BANKS. <i>See</i> GAMING.	
prohibited,	1 726
fine for dealing at,	2 726
FARRIBAULT COUNTY, boundaries, act of Feb. 20, 1855,	
declared an organized county,	103 90
Blue Earth City, county seat of,	104 90
county commissioners to locate county buildings,	104 90
governor to appoint officer in,	105 90
attached to Blue Earth county for judicial purposes,	106 90
county seat to be fixed by vote,	107 90
FATHER. <i>See</i> BASTARD CHILDREN; ILLEGITIMATE CHILD; PARENTS.	
when inherit intestate estate,	1 112
FEE SIMPLE, what,	2 377
FEE TAIL, estate in, to become allodial,	3 377
FEEES, of auditor of state for copies,	33 128
treasurer not to receive,	39 130
notary public, on protests, depositions, &c.,	97 134
penalty for overcharged by notary,	99 135
of register for recording, payable in advance,	22 157
of register for abstract of title,	29 158
of register, rate of,	34 159
illegal, sheriff not to exact; penalty,	57 162
when sheriff leaving office may collect,	59 162
of sheriff, for collecting county taxes,	61 162
when district attorney not to receive,	70 164
of probate judge as court commissioner,	80 166
of county surveyor and deputy,	87 167
of coroner's jury,	101 170
of coroner's witnesses,	103 170
town clerk when paid by; rates,	72 190.
pound master,	73 191

Added to main index
check 414 to 102 1862

MINNESOTA STATUTES 1858

GENERAL INDEX.

963

	Sec. Page.
FEEs, county auditor, for copies, - - - - -	105 195
county supervisor's clerk, correcting, &c., assessment roll, - - - - -	133 200
sheriff's, in levy against defaulting town collector, - - - - -	151 204
constable's, same as sheriff's, - - - - -	233 222
county collector's; on delinquent tax return, - - - - -	39 235
for proceedings under chapter 9, on taxes, - - - - -	115 245
county surveyor's, on county road application, - - - - -	7 250
road examiner's, on same, - - - - -	11 250
road commissioner's, - - - - -	21 252
jury on road appeal, - - - - -	28 254
county road, county when to pay, - - - - -	29 254
justice's, on appraisal of estray, - - - - -	4 260
constable's, on sale of estray, - - - - -	7 261
same, (and next section), - - - - -	22 262
finder of estray, - - - - -	25 263
on reporting to justice; of justice, clerk, printer, - - - - -	27 263
constable's and justice's, on unclaimed property, - - - - -	61 266
of persons employed by board of health, they regulate, - - - - -	2 272
for diploma of county medical society, - - - - -	7 278
for recording certificate of election of church trustee, - - - - -	19 280
commissioners' on plankroad, &c., land appraisal, - - - - -	78 291
justice and judge, for viewing plank or turnpike road, - - - - -	103 297
same, how collectable from company, - - - - -	104 207
on notices and conveyances of land sold for village tax, etc., - - - - -	171 308
annual, for ferry license. <i>See under FERRIES.</i> - - - - -	
for issuing ferry license, - - - - -	199 313
register's for recording marks, brands, chattel mortgage, - - - - -	6 349
of justice, officer, juror and witness, in suit for trespass on school lands, - - - - -	34 367
of surveyor and register, on laying out, &c., town plots, - - - - -	8 371
county treasurer, as scaler of weights and measures, - - - - -	7 373
register's, for recording deeds, mortgages, &c., - - - - -	71 406
clerk of district court, for marriage certificate, - - - - -	11 461
probate judge on appointment of guardian, - - - - -	41 494
of person deputized in place of constable, - - - - -	17 500
justice's, on commission to take deposition, - - - - -	62 506
of sheriff's jury to determine ownership of property, how paid, - - - - -	89 508
appraisers of property partly exempt from execution, - - - - -	103 571
referees, - - - - -	10 578
public officers in detail, chapter on, - - - - -	— 582
clerk of district court, - - - - -	2 582
clerk of supreme court, - - - - -	2 584
commissioners to take testimony, - - - - -	4 584
judge of probate, - - - - -	5 584
executors and administrators, - - - - -	6 586
witnesses, - - - - -	7 586
sheriff or other officer, on service of process, &c., - - - - -	8 586
coroners, - - - - -	9 588
constables, - - - - -	10 588
same allowed to persons serving instead of constables, - - - - -	11 588
notaries public, - - - - -	12 589
justices of the peace, - - - - -	13 589
how taxed, limited, &c., in justice's court, (and following sections), - - - - -	14 590
register of deeds, - - - - -	24 591
appraisers, commissioners, &c., - - - - -	25 591
jurors, - - - - -	26 591
witnesses and jurors in probate court, - - - - -	27 592
sheriff's and constable's in same, - - - - -	28 592
printers, for publishing, &c., notices of application of insolvent, - - - - -	29 592
same, for other publications, - - - - -	31 592
officer to keep table of, in office, - - - - -	33 592
chapter on, not to interfere with special cases, - - - - -	34 593
"folio," how defined with reference to, - - - - -	35 593
excessive, taking of prohibited, - - - - -	36 593
not to be demanded unless service performed; exception, - - - - -	37 593
taking wrongfully, misdemeanor; penalty, - - - - -	38 593
not to be taxed except for services rendered, - - - - -	39 593
allowed for only one draft of a paper, - - - - -	41 593
paper copied into another, not part of draft, - - - - -	42 593
for certified copies, allowed in costs, - - - - -	43 593
attorney, &c., in case, not allowed witness fee in it, - - - - -	44 593
officer receiving, to give receipt in items, - - - - -	45 593
for administering official oath, when none, - - - - -	46 594
same, limit of when changed, - - - - -	46 594
allowed to one officer, allowed to another for same service, - - - - -	47 594
when allowed for expenses of United States witness, - - - - -	48 594
of prosecution, when county to pay, - - - - -	49 594
when not to be tendered in advance on subpoena, - - - - -	50 594

MINNESOTA STATUTES 1858

964

GENERAL INDEX.

	<i>Sec.</i>	<i>Page.</i>
FEEs , clerk of court to give witness certificate entitling him to, - - - - -	51	594
in suits for county, state, or United States, - - - - -	52	594
of referees in partition suit, when plaintiff to pay, - - - - -	13	600
low tendered on writ of habeas corpus, - - - - -	66	640
on foreclosure by advertisement, - - - - -	20	646
in proceedings as to vessels, &c., what, - - - - -	19	649
on insolvent's application for discharge, how paid, - - - - -	28	659
of garnishee, - - - - -	1	659
witnesses must be paid in advance, - - - - -	3	675
witnesses in pre-emption cases, what, how paid, - - - - -	101	688
register's recording in case of lien, - - - - -	16	696
same, - - - - -	36	699
not taxed for associate magistrate at examination of offender, - - - - -	24	747
clerk's for copies of depositions to defendant, - - - - -	51	754
justice's, on appeal, how paid, - - - - -	2	777
appellant not required to advance, - - - - -	3	777
serving in court-martial, - - - - -	61	823
surveying and scaling logs, - - - - -	31	829
commissioners on mill dam, how fixed, - - - - -	3	847
FELONY ; failure to pay over by town or county officer to be; penalty, - - - - -	754	205
attorney may be released or suspended on conviction of, - - - - -	19	668
defined, - - - - -	700	700
arrest for may be on any day and at any time, - - - - -	49	743
officer may arrest for without warrant, - - - - -	11	743
door or window may be broken to arrest for, - - - - -	12	743
officer may arrest on reasonable suspicion of, - - - - -	13	743
private person when arrest for, - - - - -	17	746
same, inform of cause of arrest when, - - - - -	18	744
same, when may break door or window to arrest for, - - - - -	19	744
defendant must be present on arraignment for, - - - - -	2	762
same, during trial, - - - - -	41	776
acquittal of part of, and finding guilty of remainder, - - - - -	43	776
verdict of assault, without intent to commit, - - - - -	44	776
joint defendants in may have separate trial, - - - - -	3	782
FEMALE . <i>See</i> DIVORCE; MARRIED WOMAN; WIFE.		
FEMALE CONVICT quick with child, how respited, - - - - -	8	780
FEMININE GENDER , word in may mean masculine, - - - - -	2	114
FENCE VIEWERS , town assessors and supervisors to be, - - - - -	15	181
to determine what fence legal, - - - - -	234	223
duty if partition fence insufficient; forms of notice to, - - - - -	235	223
duty if controversy as to partition fence, - - - - -	238	224
assignment of share by, how recorded and binding, - - - - -	238	224
division of fences by, how recorded, force, - - - - -	240	224
proceedings where water boundary, - - - - -	243	225
same, - - - - -	244	225
proceedings where common land put in severalty, - - - - -	245	226
same, - - - - -	246	226
determine value of fence where owner ceases to improve land; form, - - - - -	247	226
same, where uninclosed land inclosed, - - - - -	248	226
when one from each county, - - - - -	249	226
where partition fence runs into water, - - - - -	250	226
neglecting duty; fine, - - - - -	253	227
compensation, - - - - -	254	227
same, may sue for, - - - - -	255	227
FENCES . <i>See</i> HEDGES.		
town electors to make regulations as to, - - - - -	16	181
but not to fix penalty for violating same, - - - - -	16	181
notice to remove for new road; form, - - - - -	211	219
same, if appeal, - - - - -	212	219
what legal, - - - - -	234	223
partition, how maintained; form of agreement, - - - - -	235	223
same, neglect to maintain, proceedings; forms, - - - - -	236	223
same, complainant repairing, may recover double cost, - - - - -	237	224
same, controversy, proceedings; forms, - - - - -	238	224
same, complainant may erect; recovery of cost, - - - - -	239	224
same divisions of, how recorded and binding, - - - - -	240	224
same, party erecting more than share, other to pay, - - - - -	241	225
same, to be kept in good repair, - - - - -	242	225
same, where water boundary, - - - - -	243	225
same, where water boundary, forms, - - - - -	244	225
same, running into water, agreement, - - - - -	250	226
where common land put in severalty, - - - - -	245	226
same, - - - - -	246	226
when not to be removed by owner ceasing to improve, - - - - -	247	226
round uninclosed land, owner to pay half expense, - - - - -	248	226
same, between unimproved lands, who to support, - - - - -	251	226

MINNESOTA STATUTES 1858

GENERAL INDEX.

965

		Sec.	Page.
FENCES , same owner how may remove; form of notice, - - - - -	252		227
road commissioners' notice to remove, - - - - -	31		254
when they may remove, - - - - -	31		254
to be elected along railroad, - - - - -	259		322
round orchard, inclosure, &c., fine, - - - - -	2		368
FERRIES. See CORPORATIONS.			
county commissioners license, and fix ferrriage, - - - - -	5		154
laws as to, - - - - -	-		312
license tax, what; when and how paid, - - - - -	194		312
deemed to be in what county, - - - - -	194		312
license how forfeited, - - - - -	195		312
fine for maintaining and receiving pay, unlicensed, - - - - -	196		312
county supervisors may license, - - - - -	197		312
same, where ferry between two counties, - - - - -	198		312
same, where waters bound state, - - - - -	198		313
tax for license; how and when paid, - - - - -	199		313
license how attested; length of time, - - - - -	200		313
license, notice of application for, - - - - -	201		313
license, duty of person obtaining, - - - - -	202		313
rates of ferrriage, how fixed and posted, - - - - -	203		313
prohibition of, unlicensed; fine, - - - - -	204		313
free, not prohibited, - - - - -	204		314
penalty for failure to pay for license, &c., - - - - -	205		314
license paid for in advance, - - - - -	206		314
license given at special meeting, how long, - - - - -	206		314
bond to be given before license valid, contents, - - - - -	207		314
FILLMORE COUNTY , bounded, Revised Statutes, - - - - -	30		79
an organized county, - - - - -	40		80
governor to appoint justices, constables and officers of, - - - - -	40		80
bounded, by act of February 23, 1854, - - - - -	46		81
returns, &c., of first election in Houston and Winona counties, - - - - -	51		81
area of, by act of February 20, 1855, - - - - -	83		87
county offices, when to be at Carimona, - - - - -	97		89
FINE ; for contempt of legislature, - - - - -	3		120
violation of regulations of state library, - - - - -	109		136
same, appropriation of, - - - - -	115		137
falsely swearing in vote, - - - - -	15		141
disorder and riot at elections, - - - - -	24		142
failure to deliver poll-books, - - - - -	30		143
delinquency by clerk or judge of election, - - - - -	42		146
failure to deliver poll-books for presidential elector, - - - - -	59		148
same, failure by register of deeds, - - - - -	60		149
neglect of duty by county commissioner, - - - - -	1		153
failure to deliver books by register of deeds, - - - - -	21		156
county treasurer to collect, - - - - -	40		160
purchase of county order at discount, - - - - -	44		160
practice by sheriff, coroner, &c., as attorney, &c., - - - - -	63		113
sheriff not making return, - - - - -	64		163
constable's failure to execute coroner's warrant, - - - - -	101		169
delinquency of coroner's juror, - - - - -	114		172
refusing information to assessor, - - - - -	119		173
refusing name, &c., to him, - - - - -	122		174
delinquent district court clerk, - - - - -	134		175
neglect to take oath by certain deputies, - - - - -	6		179
neglect by register and sheriff as to first town meeting, - - - - -	43		186
certain town officers refusing to serve, - - - - -	44		186
same, - - - - -	45		186
town officer acting before taking oath, - - - - -	59		189
delinquent chairman of supervisors, - - - - -	64		189
delinquent town clerk, - - - - -	112		196
delinquent county supervisor, - - - - -	120		198
for non-delivery of county treasurer's books, - - - - -	134		200
delinquency by assessor, - - - - -	161		207
neglect of duty by highway overseer, - - - - -	171		209
delinquency of highway substitute, - - - - -	172		209
same, of person liable to highway labor, - - - - -	175		209
same, how levied, - - - - -	176		210
same, expended how, - - - - -	177		210
same, applied on assessment, - - - - -	183		210
of delinquent highway overseer, - - - - -	188		210
same, - - - - -	253		227
of delinquent fence viewer, - - - - -	30		234
for taking county order, &c., at discount, - - - - -	31		234
return by county collector of paid tax as unpaid, - - - - -	41		235
of defaulting county collector, - - - - -	100		244
for register's failure in duty as to tax sale, &c., - - - - -	109		245
for misappropriation of public money, - - - - -	109		245

for unlicensed ferry - - - - - check 28 Feb 69 1858

MINNESOTA STATUTES 1858

966

GENERAL INDEX.

	Sec. Page.
FINE; delinquent officer under chapter 9, as to taxes,	110 245
for secreting property wrecked, &c.,	14 258
preventing owner of lodged logs from removing them,	17 258
for bringing pauper into county,	10 271
for violation of health ordinance,	3 271
neglect to remove nuisance,	5 272
non-entry in of or withholding road company's transfer book,	98 295
tollgate keeper not obeying order of justices,	102 297
for delaying passengers at tollgate,	105 297
injury to property of plank road or turnpike company,	110 298
fraudulently avoiding payment of toll,	111 298
for animals unlawfully at large in village,	138 302
village trustees may impose or remit,	188 303
for charging unlawful ferriage,	196 312
same, (and next section,)	203 313
unlawfully communicating with gas-pipes,	217 315
not stopping railroad trains as required by law,	262 323
violation of law as to transfer book,	287 328
for unlawful bridge-toll,	296 330
unlawful sale of liquor to Indians,	1 338
same,	4 339
furnishing liquor within Sioux purchase,	6 339
introducing liquor into same; exception,	7 339
establishing or running distillery within same,	10 340
sale of liquor without license,	20 341
same, if unpaid, liquors destroyed,	20 341
exhibiting unlicensed public show,	2 346
not turning to right when driving,	2 347
for employing drunken driver of public carriage,	3 347
for leaving horses of public carriage unfastened,	4 347
for using marks and brands of another's cattle,	2 348
for altering or destroying marks or brands of another's cattle,	2 348
under penal laws, paid into county treasury, twenty-five per cent. of set apart for schools,	60 358
failure by school district trustee to pay over to successor,	72 360
unlawfully cutting timber on school lands,	1 362
for neglect of duty as to school lands, by county commissioners,	3 363
unlawfully cutting, &c., timber or hay on school, &c., lands,	7 363
not prosecuting for same by public officer, &c.,	9 363
witness or juror failing to appear in suit for same,	34 367
injuring fence round orchard, garden, &c.,	2 368
injuring tree, shrubbery, &c., in public or private grounds,	3 368
selling or leasing town lots before law complied with,	9 371
non-compliance by officer, &c., with law as to town plots,	10 371
finer under law as to town plots, how recovered and used,	11 371
neglect of duty by sealers of weights and measures,	8 373
not certifying or recording marriage certificate,	12 461
unlawfully celebrating marriage, a false certificate,	13 461
person unauthorized, celebrating marriage,	14 461
officer making false return to justice,	18 500
juror not appearing in justice trial,	66 507
for contempt of justice's court, limit of,	152 519
justice how certify amount of collected by him,	203 526
on conviction for assault, battery or affray,	206 527
for refusing to assist officer to arrest,	207 527
judgment how entered for by justice,	211 527
same, in district court,	212 527
collected by justice, to be paid to county treasurer,	215 527
paid to sheriff if accused committed by justice,	216 527
officer selling under execution without notice,	111 572
and forfeitures, actions for how prosecuted,	8 615
same, not appropriated, paid to treasury of state,	11 616
on judgment of usurpation or abuse of franchise, &c.,	14 619
disobedience to peremptory mandamus,	16 633
officer refusing copy of order, &c., of detention, or tender of fees,	63 640
to be inflicted for forcible entry,	1 649
in forcible entry and detainer, limit of,	9 651
juror or witness not appearing, &c., in action for forcible entry and detainer,	15 652
in forcible entry and detainer, given to schools,	16 652
same, committal if not paid,	16 652
for contempt of court, limit of in certain cases,	2 663
same,	4 663
same,	12 664
attorney permitting unlawful use of his name,	9 666
witness not obeying subpoena,	5 675
larceny in dwelling-house, &c.,	13 710
larceny from the person,	14 710
larceny to the value of less than \$100,	15 710

moving toll gates on bridge chaf 56 p 108 1864
or archaic and giving false or certif chaf 57 p 109 1864

MINNESOTA STATUTES 1858

GENERAL INDEX.

967

	Sec. Page.
FINE, what justice may inflict for larceny and embezzlement, - - - - -	16 710
buying stolen goods, - - - - -	17 710
embezzlement, - - - - -	27 712
for not complaining of embezzlement by officer, - - - - -	28 712
obtaining property or signature, by false pretence, - - - - -	33 713
gross fraud or cheating, - - - - -	34 713
loading or fitting vessel with intent to destroy it, - - - - -	36 713
making or exhibiting false invoice, bill of lading, &c., - - - - -	37 713
false protest to insurer on vessel, &c., - - - - -	38 217
killing, maiming, or poisoning cattle, &c., or injuring personal property, - - - - -	39 714
malicious injury to dams, mill-ponds, canals, &c., - - - - -	41 714
same, to bridges, roads, telegraph posts, &c., - - - - -	42 714
same, to fruit or ornamental trees, &c., - - - - -	43 714
same, to land-mark, guide-board, lamp-post, &c., - - - - -	44 714
trespass in garden, inclosed, &c., - - - - -	45 715
what justices may inflict for certain trespasses and injuries, - - - - -	46 715
willful injury to tree, timber, mineral, &c., - - - - -	47 715
same, what justice may inflict, - - - - -	48 715
firing wood or prairie, - - - - -	49 715
same, - - - - -	50 715
same, given to public schools, - - - - -	51 716
giving or offering bribes, - - - - -	7 720
accepting same, - - - - -	8 720
corrupting or attempting to corrupt court, juror, referee, &c., - - - - -	9 720
accepting bribe by same, - - - - -	10 720
aiding or attempting to aid escape from prison, - - - - -	11 721
aiding escape from officers, - - - - -	12 721
suffering escape from prison by negligence, - - - - -	14 721
refusal to receive prisoner by jailor, &c., - - - - -	14 721
refusal by officer to arrest, and suffering escape, - - - - -	15 721
refusing to aid officer, - - - - -	16 721
refusing to aid justice of the peace, - - - - -	17 721
falsely assuming to be justice or officer, - - - - -	18 722
disguising to obstruct execution of law, - - - - -	19 722
compounding commission of offense, - - - - -	20 722
officer receiving reward for omitting duty, - - - - -	21 722
officer neglecting duty as to riotous assembly, - - - - -	3 723
selling or aiding to sell lottery tickets, - - - - -	2 725
advertising lottery tickets, or enticing to buy same, - - - - -	4 725
dealing at faro or keeping gambling device, - - - - -	2 726
betting on gambling game, &c., - - - - -	3 726
suffering gaming device to be set up, - - - - -	4 726
adultery, - - - - -	1 728
polygamy, - - - - -	2 728
lascivious conduct, - - - - -	4 728
fornication, - - - - -	5 729
concealment by mother of death of bastard, - - - - -	7 729
keeping house of ill fame, - - - - -	9 729
procuring, selling, &c., obscene books or things, - - - - -	11 729
disturbing public worship, - - - - -	14 730
same, - - - - -	23 731
unlawfully disturbing grave, - - - - -	15 730
injuring or defacing tombs, monuments, &c., - - - - -	16 730
unlawfully making road, canal, &c., through burial ground, - - - - -	17 730
cruelly using animal, - - - - -	18 730
labor or diversion on Sunday, - - - - -	19 730
sale of liquor, &c., near camp-meeting, - - - - -	26 731
horse-racing, gambling, or disorderly conduct, near same, - - - - -	27 731
for disturbing, &c., religious meetings, to go to school fund, - - - - -	32 732
selling diseased or unwholesome provisions, - - - - -	1 732
adulterating food, liquor, &c., - - - - -	2 732
adulterating drugs, &c., - - - - -	3 732
physician prescribing while intoxicated, - - - - -	5 733
apothecary, &c., selling active poison unlabeled, - - - - -	6 733
accessory to felony after the fact, - - - - -	4 734
how to be recovered, - - - - -	12 735
when payable into county treasury, - - - - -	13 735
for attempt to commit offenses, when imposed, - - - - -	16 736
for second offense, rate of, - - - - -	17 736
for assault without intent to commit felony, - - - - -	44 776
on sentence to pay, clerk's transcript of conviction for sheriff, - - - - -	4 779
persons imprisoned for non-payment of, how released, - - - - -	21 790
refusing or giving false information to militia assessor, - - - - -	8 800
for giving illegal certificate of militia service, - - - - -	14 804
volunteer companies may assess and levy how, - - - - -	15 805
non-attendance at muster, - - - - -	20 807
how assessed by company officers; collection of, - - - - -	21 807

" false acknowledgment chose 37 h 80 13620
" for returning landshing " 28 h 71 1863

MINNESOTA STATUTES 1858

	Sec. Page.
FINE , on officers; amounts; how assessed and collected,	22 808
disturbing musters, how assessed and collected,	23 809
militia, property of associations, guardian, parents, liable for,	24 810
military, civil process may be had to collect,	25 810
what brigade court shall assess,	34 813
brigade-inspector, how collect; justice to assist,	35 814
selling or detaining arms,	48 819
refusal to attend court-martial,	50 820
court-martial retain record to collect,	51 821
unlawfully taking saw-logs,	1 825
same, justice may inflict what,	2 825
scaling stolen logs by surveyor-general,	5 826
taking logs out of boom before delivery,	8 826
maintaining boom without passage-way for logs, &c.,	16 827
defacing, &c., marks on logs and lumber,	40 831
employing women and children for more than legal hours,	1 832
killing deer or elk out of season,	1 850
killing grouse, prairie-chicken, &c., out of season,	2 850
taking trout unlawfully,	5 850
on auctioneer for receiving property from minor or servant,	4 853
same, selling at unlawful time,	4 853
unqualified person acting as auctioneer,	6 853
unlawfully permitting auction,	7 853
auditor of state, or deputy, unlawfully countersigning bank-notes,	16 858
issuing illegal paper currency,	31 860
failure by bank to make quarterly report,	33 861
violating provisions of bank act,	42 862
issuing unauthorized bank bills, &c.,	45 863
circulating same,	48 863
same, how recovered; disposal of,	50 863
same, when any person may recover,	50 863
FIRE COMPANIES , active members exempt from military, highway, and jury duty,	1 835
five years' service in, exempts forever from same,	2 836
same, certificate of, how given,	3 836
FIRE ORGANIZATION OF VILLAGE , regulations of,	138 302
FIRE WARDENS , in village, appointment and duties,	138 302
same, duties of,	183 310
FOLIO , defined, with reference to fees,	35 593
FOLLOWING , preceding, terms how construed,	2 114
FORCIBLE ENTRY AND DETAINER , may be treble damages for,	22 597
laws as to,	— 649
forcible entry forbidden; fine for,	1 649
justice has jurisdiction in case of,	2 649
trial for complaint and summons,	3 650
same, service of summons,	4 650
same, justice try; jury trial if demanded,	5 650
same, when summons served by copy; mode of service,	6 650
same, continuance, when granted,	7 650
same, depositions allowed in, how taken,	8 651
same, judgment against defendant, how entered; fine,	9 651
same, judgment of not guilty, costs how taxed,	9 651
same, proceedings if jury disagree,	10 651
same, treble damages, when and how recoverable for,	11 651
trial for holding over after sale under execution, &c., mortgage, lease, &c.; demand, &c.,	12 651
same, provisions not apply to person having peaceable possession for three years,	13 651
same, civil action after; treble damages in,	14 652
fine on juror or witness not appearing, &c.,	15 652
finer given to common schools,	16 652
defendant committed if fine not paid,	16 652
appeal from justice's decision, (and following sections),	17 652
amendments, how allowed on trial,	21 652
answer, what matters set up in,	22 652
justice's return, amendment of it, how compelled,	23 652
forms in action as to,	— 653
FORCIBLE EVICTION , treble damages on,	21 597
FORECLOSURE . <i>See under MORTGAGE.</i>	
FORECLOSURE BY ADVERTISEMENT . <i>See same,</i>	— 643
FOREIGN CORPORATION , when service on by publication,	54 538
may sue on giving security for payment of costs,	2 605
cannot sue on ground of act forbidden in state,	3 605
FOREIGN EXECUTOR OR ADMINISTRATOR , how file copy of appointment,	33 421
how licensed to sell real estate,	34 421
when foreign bond sufficient,	35 422
when file new bond,	36 422
bond of to account for surplus from sale of lands, &c.,	37 422
may sue on filing copy of appointment,	34 614

MINNESOTA STATUTES 1858

GENERAL INDEX.

969

	Sec. Page.
FOREIGN GUARDIAN, how file appointment, - - - - -	17 416
same, - - - - -	43 423
same, how may be licensed to sell real estate, - - - - -	18 416
same, - - - - -	44 423
conduct of sale of same, - - - - -	19 416
disposition of proceeds of sale by; bond, - - - - -	20 418
when give bond, and when foreign bond sufficient, - - - - -	45 423
give bond to account for surplus from sale, - - - - -	46 423
FORFEITURE, of franchise for banking by turnpike company, - - - - -	115 298
same, by plank road company, - - - - -	115 298
same, by manufacturing, &c., company, - - - - -	288 328
same, by corporation guilty of fraud or violating law as to organization, &c., - - - - -	315 332
same, by non-user by corporation, - - - - -	319 392
of boats and goods within Sioux purchase, for containing liquor, - - - - -	8 339
of estate, may be incurred for waste, - - - - -	16 597
action for how prosecuted, - - - - -	8 615
collusive judgment on, effect of, - - - - -	10 616
not specially appropriated, how paid over, - - - - -	11 616
action for, for use of state, how brought, - - - - -	11 616
of monies, &c., received by lottery, - - - - -	7 726
FORGERY AND COUNTERFEITING, laws as to, - - - - -	— 716
of deeds, records, contracts, certificates, or any writings, penalty, - - - - -	1 716
uttering forged writings, penalty, - - - - -	2 716
notes, certificates or bills of credit of territory, penalty, - - - - -	3 717
bank notes, &c., penalty, - - - - -	4 717
having counterfeit bills, &c., in possession with intent to pass, penalty, - - - - -	5 717
passing bills of credit, &c., of territory, bank bills, &c., penalty, - - - - -	6 717
making or having tools, materials, &c., for counterfeiting, penalty, - - - - -	7 717
of bank bills, &c., when testimony of bank officer dispensed with on trial for, - - - - -	8 718
of public securities, sworn certificate of when evidence of, - - - - -	9 718
connecting together parts of different notes, to be, - - - - -	10 718
affixing fictitious signature of officer of corporation to be, - - - - -	11 718
intent to defraud, what allegation and proof necessary, - - - - -	12 718
counterfeiting gold or silver coin, having ten pieces of same in possession, penalty, - - - - -	13 718
having less than ten pieces; uttering same penalty, - - - - -	14 718
making or having tools for counterfeiting, penalty, - - - - -	15 719
punishment on second conviction for, - - - - -	16 719
FORMS, attorney general to furnish governor, secretary, auditor, or treasurer, - - - - -	80 182
notice of election, - - - - -	4 189
statement of result of election, - - - - -	28 143
books of register of deeds, - - - - -	22 156
coroner's warrant to summon jury, - - - - -	100 169
oath of coroner's jury, - - - - -	102 170
" " witnesses, - - - - -	104 170
inquisition of coroner's jury, - - - - -	106 170
oath of clerk of district court, - - - - -	127 174
notice of town meeting, - - - - -	13 180
statement for a special town meeting, - - - - -	17 181
notice for same, - - - - -	17 181
oath of moderator of town meeting, - - - - -	18 182
oath of voter at same, - - - - -	20 182
poll list at same, - - - - -	26 183
clerk of town meeting's notice of election, - - - - -	31 184
oath of town officers, - - - - -	33 184
acceptance of office of highway overseer, &c., - - - - -	36 184
collector's bond, - - - - -	37 184
supervisor's approval on same, - - - - -	38 185
constable's bond, - - - - -	39 185
constable's and justice's oath, - - - - -	39 185
justice's bond, - - - - -	39 185
approval of same, - - - - -	40 185
warrant of appointment to vacate town office, - - - - -	47 186
notice of town meeting by twelve freeholders, - - - - -	49 187
resignation of town officer, - - - - -	50 187
acceptance of same, - - - - -	50 187
bond of chairman board of supervisors, - - - - -	51 187
approval of same, - - - - -	51 188
supervisor's book, - - - - -	53 188
certificate of state of same, - - - - -	55 188
certificate of votes for raising money, - - - - -	62 189
town auditor's certificate to town accounts, - - - - -	68 190
their certificate of claims, &c., against town, - - - - -	70 190
town officer's oath at delivering over books, &c., - - - - -	89 193
oath administered by chairman supervisors, - - - - -	101 194
county auditor's bond, - - - - -	103 194
oath of same, - - - - -	103 195
county auditor's warrant, - - - - -	103 195

MINNESOTA STATUTES 1858

970

GENERAL INDEX.

	Sec. Page
FORMS, county supervisors' proclamation of tax levy, - - - - -	106 195
ballot for vote for tax for county buildings, - - - - -	108 196
return of vote on tax levy for county buildings, - - - - -	108 196
acceptance of office of county treasurer, - - - - -	113 197
county treasurer's bond, - - - - -	113 197
assessment rolls, (under old law,) - - - - -	126 199
collector's warrant, - - - - -	139 201
notice of tax sale, - - - - -	143 202
sheriff's return of unpaid taxes, - - - - -	147 203
warrant against delinquent collector, - - - - -	150 204
division of road districts, - - - - -	155 205
supervisors' account to town auditors, - - - - -	157 206
list of those liable to highway labor, - - - - -	158 206
appointment to vacant overseership of highways, - - - - -	159 207
order assessing highway labor and tax, - - - - -	163 207
list of assessment of highway labor, - - - - -	164 208
" " " tax, - - - - -	164 208
summons for not working on highway, - - - - -	174 209
warrant to collect highway fine, - - - - -	175 210
overseer's certificate of unpaid road tax, - - - - -	182 210
" annual account, - - - - -	186 211
petition for new road, - - - - -	189 212
same, affidavit of posting copies, - - - - -	190 212
new road, surveyor's report, - - - - -	192 213
same, supervisor's order laying out, - - - - -	192 213
same, agreement on damages in laying out, - - - - -	194 214
same, release of damages, - - - - -	194 214
same, supervisors' assessment of damages, - - - - -	194 214
appeal from supervisors' road decision, - - - - -	196 215
same, notice to county supervisors, - - - - -	196 215
same, notice to supervisors, &c., appealed against, - - - - -	198 216
same, notice of affidavit of service, - - - - -	198 216
same, order of supervisors appealed to, - - - - -	199 216
petition against excessive road damages, - - - - -	205 218
order for road on line between towns, - - - - -	207 219
notice to remove fence for road, - - - - -	211 219
agreement to maintain mutual fence, - - - - -	235 223
notice of examination of defective fence, - - - - -	236 223
notice to repair defective fence, - - - - -	236 223
fence viewers' certificate to fence, &c., - - - - -	237 224
their notice of assignment of parts of mutual fence, - - - - -	238 224
their assignment of same, - - - - -	238 224
their notice of location of fence on water, - - - - -	255 225
their location of same, - - - - -	255 225
valuation of fence where inclosure opened, - - - - -	247 226
notice by owner that will not improve land, - - - - -	252 227
constable's bond, - - - - -	232 222
of assessment roll, what to be, - - - - -	22 232
for tax assessment, &c., how procured and distributed, - - - - -	114 245
complaint for trespass on school, &c. lands, - - - - -	13 364
warrant on same, - - - - -	14 364
execution on same, - - - - -	29 366
oath of justice's jury, - - - - -	64 506
oath of officer summoning same, - - - - -	64 506
oath of witness in justice suit, - - - - -	64 506
oath of officer in charge of justice's jury, - - - - -	64 507
recognizance on stay of execution in justice suit, - - - - -	82 510
justice's writ of attachment, - - - - -	109 513
same, notice of sale under, - - - - -	115 514
recognizance on certiorari from justice, - - - - -	125 515
warrant for contempt by same, - - - - -	155 519
record of conviction for same, by same, - - - - -	158 520
for warrant and other papers in justice's court, - - - - -	178 522
oath of juror in criminal case before justice, - - - - -	194 525
writs and other papers in criminal proceedings before justice, - - - - -	218 528
of pleadings, regulated by statute, - - - - -	61 539
same, substance of. See PLEADINGS. - - - - -	
of exceptions, no particular required, - - - - -	57 564
writ of habeas corpus, - - - - -	30 635
in actions for forcible entry and detainer, - - - - -	— 653
affidavit with insolvent debtor's petition, - - - - -	3 655
justice's certificate annexed to deposition, - - - - -	17 676
submission to arbitration, - - - - -	3 689
same, justice's certificate to, - - - - -	3 690
affidavit for filing lien, - - - - -	38 699
bench warrant on indictment, - - - - -	56 754
same, for felony, - - - - -	6 762

MINNESOTA STATUTES 1858

GENERAL INDEX.

971

	Sec. Page.
FORMS ; bench warrant, for misdemeanor, - - - - -	7 762
of criminal indictments, - - - - -	— 766
pleas to indictment, - - - - -	3 766
oath of jurors in criminal cases not capital, - - - - -	39 775
under militia law, of returns, oaths, &c., - - - - -	— 800
oath by member of court martial, - - - - -	52 821
under United States pre-emption law, - - - - -	— 877
FORNICATION , penalty for, - - - - -	5 729
FORWARDING MERCHANT , record description of property consigned or deposited, - - - - -	48 265
notify owner by letter, - - - - -	49 265
FRANCHISE . <i>See CORPORATION; FORFEITURE; and under names of Corporations.</i>	
forfeited by non-user, - - - - -	319 332
sold on execution, vests how, - - - - -	326 333
not to be declared null except on regular proceeding, - - - - -	329 333
of corporation receiving toll sold on judgment against it, - - - - -	349 336
same, proceedings on sale, - - - - -	350 336
same, sale how adjourned, - - - - -	351 336
same, who highest bidder for, - - - - -	352 336
same, purchaser's rights; may receive toll, - - - - -	353 336
same, purchaser may sue for injury to franchise, - - - - -	354 336
if sold corporation retains powers, duties, &c., - - - - -	355 336
same, corporation may redeem how, - - - - -	356 336
action against corporation for forfeiting, &c., - - - - -	3 618
action against person, &c., usurping, - - - - -	5 618
several claimants to, action against all, to decide right, - - - - -	13 619
judgment of exclusion from; fine on, - - - - -	14 619
if forfeited, judgment of dissolution of corporation, - - - - -	15 620
FRAUD by corporation, in violating articles, penalty, - - - - -	312 331
same, action for damages may be had for, - - - - -	312 331
same, diversion of corporate funds, to be, - - - - -	313 331
same, payment of dividends when funds not sufficient, to be, - - - - -	313 331
dividends by insurance companies when losses unknown, not to be, - - - - -	314 332
cause forfeiture of franchise, - - - - -	316 332
presumed in certain circumstances, - - - - -	8 382
in sale of real estate by executor, administrator, or guardian, liability for, - - - - -	55 424
in conveyance of lands by deceased, duty of executor, &c., as to, - - - - -	16 438
imprisonment and arrest for abolished; how charged in action, - - - - -	127 548
fine and imprisonment for, - - - - -	34 713
how affects instruments in execution of power, - - - - -	52 395
FRAUDULENT CONVEYANCES AND CONTRACTS , as to land, - - - - -	— 457
same, to be void, - - - - -	1 457
same, when not fraudulent as to subsequent purchaser, - - - - -	2 457
same, containing power of revocation, - - - - -	3 457
same, conveyance by person having power of revocation, valid, - - - - -	4 457
same, if made before power of revocation vests, - - - - -	5 457
same, conveyance must be in writing and executed how; exceptions, - - - - -	6 457
same, where rule not to apply, - - - - -	7 457
same, leases for more than a year, and contracts to sell, must be in writing, - - - - -	8 457
in trust for use of maker, void against creditors, - - - - -	1 458
what agreements void unless in writing, - - - - -	2 458
contracts for sale of goods, when void, - - - - -	3 458
conveyances or assignments of property to defraud, void, - - - - -	1 459
grants, &c., of trusts, void if not in writing and signed, - - - - -	2 459
conveyances, &c., void as to creditors, void as to heirs, - - - - -	3 459
question of fraudulent intent to be one of fact, - - - - -	4 459
not adjudged for want of valuable consideration, - - - - -	4 459
purchaser without notice not affected by, - - - - -	4 459
"land," means what, with reference to, - - - - -	6 459
"estate and interest in lands," same, - - - - -	6 459
"conveyance," same, - - - - -	7 459
FRAUDULENT MARRIAGE , void how, - - - - -	2 463
FREEBORN COUNTY boundaries, act of Feb. 20, 1855, - - - - -	64 83
an organized county, - - - - -	168 98
governor to appoint commissioners and register, - - - - -	169 98
qualification for and duration of county offices, - - - - -	170 98
commissioners to fix temporary county seat, - - - - -	171 98
election for county seat, - - - - -	172 98
FREEHOLD ESTATE , what to be, - - - - -	5 378
estate for life, when to be, - - - - -	6 378
provisions as to future estates apply to, - - - - -	23 379
how may be created to commence at future day, - - - - -	24 379
FREIGHT , rates of on railroad, - - - - -	254 321
FRUIT TREES , penalty for injury, - - - - -	3 369
same, - - - - -	43 714
FUGITIVES FROM JUSTICE , expenses as to, how allowed, - - - - -	5 125
governor to appoint agents to demand, - - - - -	1 738
prosecuting officer's opinion as to demanding, - - - - -	1 738

MINNESOTA STATUTES 1858

972

GENERAL INDEX.

	Sec. Page.
FUGITIVES FROM JUSTICE, demand on governor for, how investigated, - - - -	2 738
if found, warrant for, - - - -	3 738
when give recognizance on examination; when committed, - - - -	4 738
when discharged, recognized anew, delivered over, - - - -	5 738
complainant against pay costs and charges of, - - - -	6 739
and persons escaping from service, act of Congress of Feb. 12, 1793, - - - -	— 871
same, act of Congress of Sept. 18, 1850, - - - -	— 871
FUTURE ESTATE. <i>See</i> EXPECTANT ESTATE.	
what is, - - - -	10 378
when called remainder, (<i>See</i> REMAINDER,) - - - -	11 378
vested or contingent, defined, - - - -	13 378
void when power of alienation suspended how, - - - -	14 378
two or more alternative, how created, - - - -	25 379
not void become limited on improbable contingency, - - - -	26 379
when posthumous children take, - - - -	30 380
when defeated by birth of posthumous child, - - - -	31 380
GAME, act for protection of, - - - -	— 850
penalty for killing deer or elk out of season, - - - -	1 850
same, grouse, prairie chicken, partridge or quail, - - - -	2 850
when trout may not be taken, - - - -	4 850
penalty for unlawfully taking same, - - - -	5 850
GAMING, village trustees may suppress, - - - -	138 302
forbidden by bond for license to sell spirits, &c., - - - -	16 341
laws as to, - - - -	— 726
and tables and devices for, forbidden, - - - -	1 726
dealing at faro, and keeping any gambling device for use; penalty, - - - -	2 726
betting on, fine for, - - - -	3 726
suffering gaming device to be set upon premises, &c., fine, - - - -	4 726
gambling or betting not to incapacitate witness to, - - - -	5 726
finer, &c., may be recovered before justice in name of county, - - - -	6 726
district attorney to prosecute suits for, - - - -	7 726
or betting; money lost by may be recovered by civil action, - - - -	8 727
judgment on oath of parties when, - - - -	9 727
securities, &c., for money won at, void, - - - -	10 727
at or near religious meeting; penalty, - - - -	27 731
apparatus, &c., search warrant may issue for, - - - -	2 737
GARDEN, penalty for injuring fence around, - - - -	2 368
penalty for injuring, - - - -	3 369
GARNISHEE, when and how summoned if justice's execution unsatisfied, - - - -	96 511
same, how examined, - - - -	96 512
when judge may summon before him, - - - -	126 575
same, witnesses on hearing, - - - -	127 575
same, referee may examine; to be examined on oath, - - - -	128 575
same, order as to property in hands of, - - - -	129 575
same, received for such property, - - - -	130 575
same, if claims interest in property, proceedings, - - - -	131 576
same, reference may be ordered, - - - -	132 576
same, costs and allowance to, - - - -	133 576
provisions as to proceedings against, - - - -	— 659
when may be summoned in action before justice, - - - -	1 659
when summoned in district court, - - - -	2 659
how liable to plaintiff; exception as to payment for personal labor of defendant, - - - -	3 659
not appearing, warrant for, - - - -	4 659
contents of warrant; service, - - - -	5 659
service of summons on, commences suit, - - - -	6 660
examination of, - - - -	7 660
same, on close of, cause may be adjourned, - - - -	8 660
judgment as to, when and how rendered, - - - -	9 660
when proceedings against discontinued, - - - -	10 660
execution in judgment against, - - - -	11 661
costs of how paid if delivers up property, - - - -	12 661
payment by notes on executor, to be considered made to defendant, - - - -	13 661
officer's indorsement of payment by evidence of it, - - - -	14 661
officer's proceedings and sale on property delivered by, - - - -	15 661
bank bill paid over by, how used, - - - -	16 661
effect of judgment against, - - - -	17 661
not liable to, action by defendant when, - - - -	18 661
what defendant may recover from, - - - -	19 661
bills of exchange and promissory notes not due, to be effects in hands of, - - - -	20 661
if debt of, to defendant payable at future time, proceedings, - - - -	21 662
same, judgment, &c., when payable, - - - -	22 662
corporations may be, - - - -	23 662
GAS-LIGHT COMPANIES. <i>See</i> CORPORATIONS.	
act as to, - - - -	— 314
any persons may form, - - - -	210 314
articles of incorporation must be adopted and recorded, - - - -	211 314
notice of incorporation; how published, - - - -	212 314

cc. plain
245
30

MINNESOTA STATUTES 1858

GENERAL INDEX.

973

Quincy School 89 p 20, 15 00

	Sec. Page.
GAS-LIGHT COMPANY , same, contents of, - - - - -	213 314
commence business on filing articles, - - - - -	214 314
what by-laws and dividends directors may make, - - - - -	215 315
powers of corporation, - - - - -	216 315
penalty for unlawfully communicating with pipes, - - - - -	217 315
transfer of shares, how valid, - - - - -	218 315
may erect buildings and apparatus, - - - - -	219 315
may lay down pipes, &c., with consent of authorities, - - - - -	219 315
legislature may annul franchise for misconduct, - - - - -	220 315
GEESE. See ANIMALS; ESTRAY.	
GENERS , words of one may include other, - - - - -	2 114
GENERAL ELECTION. See ELECTION, GENERAL.	
GENERAL LAW , to be published before taking effect, - - - - -	3 115
GENERAL PARTNERS. See LIMITED PARTNERSHIP.	
how liable, - - - - -	2 833
transact all partnership business, and sign for same, - - - - -	3 833
partnership suits to be by and against, - - - - -	14 834
liable to account how, - - - - -	18 834
when special partner liable as, - - - - -	22 835
GIFTS , when to be an advancement, - - - - -	8 413
GLENCOE , county seat of McLeod county, - - - - -	137 94
GOODHUE COUNTY , bounded, Revised Statutes, - - - - -	28 78
attached to Wabasha county for judicial purposes, - - - - -	38 79
constables and justices, number, appointments, term of office, - - - - -	39 80
how may become an organized county, - - - - -	42 80
bounded, act of March 5, 1853, - - - - -	49 81
county seat to be at Red Wing, - - - - -	52 82
boundaries, act of February 20, 1855, - - - - -	80 87
GOODRICH , Aaron, commissioner to revise statutes, - - - - -	28 118
GOVERNOR , to appoint justices and constables in Itasca, Wabasha, Dakota, Cass and Pembina counties, - - - - -	19 77
same in Pierce, Sibley, Rice, and Goodhue counties, - - - - -	39 80
appoint inspectors of elections in Honston and Winona counties, - - - - -	51 82
appoint county commissioners of Stearns county, - - - - -	91 88
duty if county officers violate law as to place of office, - - - - -	97 89
appoint county officers of Brown county, - - - - -	99 89
appoint county officers of Farrisbault county, - - - - -	105 90
appoint county officers of McLeod county, - - - - -	136 94
appoint county officers of St. Louis county, - - - - -	141 94
appoint county commissioners of Mower county, - - - - -	147 95
appoint county officers of Pine county, - - - - -	153 96
appoint county officers of Isanti county, - - - - -	167 96
appoint commissioners to choose county seat of, Waseca county, - - - - -	171 97
appoint sheriff, register, and justices, in Waseca county, - - - - -	162 97
appoint commissioners of Itasca county, - - - - -	167, 97
appoint commissioners and register, Freeborn county, - - - - -	169 98
appoint commissioners of Mille Lac, Buchanan, Carlton, Crow Wing, and Aiken counties, - - - - -	180 99
appoint commissioners of Big Sioux, Jackson, Martin, and Nobles counties, - - - - -	191 101
appoint commissioners of Manomin county, - - - - -	198 102
appoint commissioners of Otter Tail, Breckenridge, and Becker counties, - - - - -	212 104
appoint commissioners of Kanabec county, - - - - -	217 105
appoint commissioners of Toombs county, - - - - -	224 108
appoint supervisors of Pembina and Polk counties, - - - - -	223 107
appoint commissioners of Wadena county, - - - - -	247 109
appoint person to revise statutes if commissioners decline, - - - - -	31 118
supervise revision of statutes, - - - - -	31 118
may administer oath to member of the legislature, - - - - -	4 120
act providing for appointment, duties, &c., - - - - -	— 125
chosen biennially, - - - - -	1 125
legal custodian of state property, - - - - -	2 125
may require written reports and opinions from state officers, - - - - -	3 125
sign all commissions to civil officers, - - - - -	4 125
allow at discretion and certify for expenses in cases of rendition of fugitives from justice, - - - - -	5 125
grants, reprieves, and pardons, - - - - -	6 126
fill vacancies in offices in gift of legislature, - - - - -	7 126
appoint thanksgiving, - - - - -	8 126
convene extra sessions of legislature, - - - - -	9 126
office how supplied if vacant, - - - - -	10 126
member of congress, or office-holder under United States, or state, not to be, - - - - -	11 126
appoint private secretary; duties, - - - - -	12 126
provide new great seal when needed, - - - - -	13 126
produce letter-books to legislature when required, - - - - -	12 126
approve auditor's bonds, - - - - -	19 127
to approve state treasurer's bonds, - - - - -	60 180
may require report at any time, from treasurer, - - - - -	57 180
appoint treasurer in place of one failing to give bond, - - - - -	60 181

*To appoint
a justice
ch. 45, 6
167*

MINNESOTA STATUTES 1858

974

GENERAL INDEX.

	Sec. Page
GOVERNOR; assist treasurer in choosing device of seal, - - - - -	65 131
approve attorney-general's bond, - - - - -	68 131
may have legal advice from attorney-general, - - - - -	77 132
" " forms from same, - - - - -	80 132
approve bond of clerk of supreme court, - - - - -	86 133
appoint notaries public, - - - - -	91 133
approve bond of same, - - - - -	92 133
and council, appoint school superintendent, - - - - -	103 135
same appoint state librarian, - - - - -	106 135
approve state librarian's bond, - - - - -	107 136
direct use of library fines, - - - - -	115 137
may remove librarian and appoint substitute, - - - - -	117 137
may regulate removal of books from library, - - - - -	118 137
give certificate of election to congress, - - - - -	33 144
proclaim new election to congress, if tie, - - - - -	33 144
proceedings to call election to vacancy in legislature, - - - - -	35 144
same, - - - - -	37 145
same, in office of delegate to congress, - - - - -	35 145
when to lay out election precincts in unorganized counties, - - - - -	49 147
publish list of new election precincts, - - - - -	50 147
sign certificate of election to U. S. Senate, - - - - -	54 148
notify person elected to U. S. Senate, - - - - -	55 148
call new election for same, - - - - -	55 148
when to appoint U. S. Senator to vacancy, - - - - -	55 148
proclaim election of presidential electors, - - - - -	57 148
make certificate of result, - - - - -	61 149
certify names of all electors, - - - - -	64 149
notify persons elected to vacancy in electoral board, - - - - -	66 150
certify to compensation of electors, - - - - -	67 150
appoint commissioners to lay off towns, - - - - -	1 178
declare office vacant on judgment on bond, - - - - -	3 247
remove sheriff, coroner, register, district attorney, when, - - - - -	4 247
remove collector or receiver of public money, when, - - - - -	5 247
when fill vacancy in same place, - - - - -	6 247
printing for, how contracted for, - - - - -	7 268
appoint to vacancy in board of regents of university, - - - - -	6 350
appoint first members of normal board, - - - - -	33 354
<i>ex officio</i> visitor of deaf and dumb asylum, - - - - -	37 356
appoint commissioners to take acknowledgment of deeds; in other states, &c., their authority, - - - - -	46 403
remove same at pleasure, - - - - -	47 403
assign substitute for district judge unable to sit, - - - - -	6 478
appoint agents to demand fugitives from justice, - - - - -	1 738
proceedings if demand on for same, - - - - -	2 738
must issue warrant for execution of sentence of death, - - - - -	7 780
when respite insane convict, or female convict quick with child, - - - - -	8 780
when and how may grant pardon, - - - - -	1 781
return to on warrant for pardon or commutation, - - - - -	2 781
appoint board of state prison inspectors, (with senate,) - - - - -	39 792
appoint subsequent inspectors, - - - - -	41 793
appoint warden of state prison, (with senate,) - - - - -	42 793
approve or modify regulations of prison, - - - - -	51 794
approve bonds of officers of state prison, - - - - -	59 794
may visit prison at pleasure, - - - - -	77 796
refer matter of title to land at state prison to legislature, - - - - -	94 797
commander-in-chief of militia; appoint what officers, - - - - -	5 799
divide into brigades, - - - - -	6 799
appoint what officers to each division, - - - - -	43 817
staff of, as commander-in-chief, - - - - -	44 817
appoint court-martial to try major-generals, - - - - -	51 820
when order court-martial, - - - - -	54 822
organize commissary department how, - - - - -	55 822
organize medical department how, - - - - -	57 822
cause publication of militia laws, - - - - -	64 824
has charge of public arms and state property, - - - - -	1 824
exchange military equipments, - - - - -	2 824
appoint person to have charge of public arms and property, - - - - -	3 825
borrow money for state, with treasurer, - - - - -	1 837
duty on failure of railroad to pay interest or principal of bonds, - - - - -	19 839
same, advertise sale of first mortgage bonds, - - - - -	20 840
same, how advertise and sell lands, - - - - -	21 840
employ engineers to examine railroad seeking loan, - - - - -	23 841
appoint commission to select lands donated to state, - - - - -	20 846
appoint persons to select salt springs and lands, - - - - -	21 846
be present at destruction of returned bank notes, - - - - -	27 860
approve bonds of auditor of state, - - - - -	39 862
duty as to fugitives from justice, &c., under act of 1793, - - - - -	1 871

MINNESOTA STATUTES 1858

GENERAL INDEX.

975

	Sec. Page.
GOVERNOR; duty as to fugitives from justice, &c., under act of 1793,	3 871
GRACE, days of, when allowed,	5 375
not allowed on bill of exchange, &c., payable on demand,	6 375
GRANDCHILDREN, of paupers, when liable for their support,	2 270
GRAND-JURORS, county commissioners to select,	7 154
GRAND-JURY, may have advice of district attorney,	74 165
indict for violations of license law,	25 342
laws as to,	— 749
defined; constitution of,	1 739
when drawn,	2 749
who liable to be drawn for,	3 749
who exempt from service on; who disqualified,	4 749
clerk of district court, draw how,	5 750
drawn at least fifteen days before time of court,	6 75
clerk issue venire when,	7 750
summoned how,	8 750
penalty for not attending	9 750
<i>venire facias</i> , if deficiency of jurors,	10 750
same, summons on,	11 750
how many to be sworn; what quorum,	12 750
when defendant on charge of public offense may challenge panel,	13 750
causes of challenge to the panel,	14 750
causes of challenge to individual juror,	15 751
challenges, how entered and tried,	16 751
same, decision of court on, how entered,	17 751
same, to panel, effect of,	18 751
same, to individual, effect of,	19 751
juror acting after challenge allowed, in contempt,	20 751
court appoint foreman of,	21 751
oath of foreman,	22 751
oath of other grand-jurors,	23 751
same, if afterwards admitted,	24 752
charge of court to,	25 752
when retire for inquiry into offenses,	26 752
appoint clerk; his duties,	27 752
when discharged,	28 752
powers and duties of,	29 752
when find indictment,	30 752
when find presentment,	31 752
indictment by, defined,	32 752
presentment by, defined,	33 752
foreman may administer oath to witnesses before,	34 752
what evidence receivable by,	35 752
same,	36 752
weigh evidence; when hear for defendant,	37 753
what evidence sufficient for indictment,	38 753
when member of must make complaint,	39 753
into what to inquire,	40 753
have access to prisons, and public records,	41 753
may ask advice of court, and district attorney,	42 753
district attorney's duty to attend them, how,	42 753
obligation of secrecy on,	43 753
what may be required to disclose,	44 753
member not liable for sayings and doings before, except perjury,	45 753
presentment must be found by twelve jurors; signed how,	46 753
same, how presented to the court and filed,	47 753
same, testimony to be returned with,	48 753
same, depositions returned with, filed and kept secret,	49 753
violation of provisions as to secrecy of depositions, contempt, and misdemeanor,	50 754
copy of depositions when furnished to defendant,	51 754
fact of presentment by not to be disclosed,	52 754
disclosure of presentment contempt, and misdemeanor,	53 754
bench warrant to issue on presentment when,	54 754
same, clerk how to issue,	55 754
same, form of,	56 754
same, where and how served,	57 753
same, proceedings when defendant brought upon,	58 754
copy of presentment and depositions furnished to magistrate,	59 754
twelve jurors necessary to find indictment,	60 754
indictment how indorsed and signed,	60 754
if indictment or presentment not found, charge dismissed,	61 755
charge dismissed may be again brought before court,	62 755
names of witnesses, how entered on indictment,	63 755
indictment, how presented to court and filed,	64 755
inspect county prison and report on same,	26 791
county supervisors to order repair as grand-jury recommend,	26 791
GRANDPARENTS OF PAUPERS, when liable for their support,	2 270

MINNESOTA STATUTES 1858

	Sec. Page.
GRANT, in execution of power, cannot be made by will, - - - - -	42 395
married woman executing under power, acknowledgment how, - - - - -	44 396
not void because land adversely possessed, - - - - -	7 398
when an advancement, - - - - -	8 413
of trust, must be in writing, - - - - -	2 459
GRANTEE, construction of word, - - - - -	2 114
of power, defined, - - - - -	62 396
when to pay taxes on land conveyed, if no agreement, - - - - -	112 245
how compel acknowledgment, (and next section,) - - - - -	16 399
GRANTOR, construction of word, - - - - -	2 114
of power, defined, - - - - -	62 396
when pay taxes on land conveyed, if no agreement, - - - - -	112 248
dying before acknowledgment, deed how proved, - - - - -	14 399
same, if witness also dead, deed how proved, - - - - -	15 399
refusing to acknowledge, deed how proved, - - - - -	16 399
same, proceedings before justice to compel, - - - - -	17 399
same, if witnesses dead, deed how proved, - - - - -	18 399
GRASS ON UNSOLD SCHOOL LANDS, how sold, - - - - -	36 368
GREAT SEAL OF STATE, governor to furnish, - - - - -	18 126
GUARDIAN. <i>See</i> MINOR; WARD.	
personal estate held as, where assessed, - - - - -	125 198
same, and where held jointly, - - - - -	9 231
real and personal estate so held assessed at full value, - - - - -	18 232
so described in assessment roll, - - - - -	280 327
may vote on such stock, - - - - -	281 327
when may apply accumulated rents and profits of land to support of infants, - - - - -	39 380
of minor, insane person, or spendthrift, sale of lands by, - - - - -	— 414
same, may be sold on license, - - - - -	1 414
same, may sell lands and put proceeds at interest, when, - - - - -	2 414
same how apply or invest proceeds, - - - - -	3 414
same, invest on his own judgment, or order of court, - - - - -	4 414
same, residue of proceeds of sale considered real estate, - - - - -	5 414
same, petition to probate court for license to sell, - - - - -	6 415
same, order to show cause on petition, - - - - -	7 415
same, service of order, - - - - -	8 415
same, county commissioners must approve sale by, - - - - -	9 415
same, hearing on petition to sell, - - - - -	10 415
same, examination of and of witness, - - - - -	11 415
same, license granted when, - - - - -	12 415
same, to give bond before selling, - - - - -	13 415
same, take oath before selling, - - - - -	14 415
same, notify sale how, - - - - -	15 415
same, license to sell valid for a year, - - - - -	16 416
same, foreign, file copy of appointment how, - - - - -	17 416
same, foreign, on such filing, may be licensed to sell real estate, - - - - -	18 416
same, foreign, take what oath and give what notice before sale, - - - - -	19 416
same, foreign, residue of proceeds of sale how disposed of, - - - - -	20 416
same, costs if application for license to sell opposed, - - - - -	21 416
same, limitation of action to recover estate sold by, - - - - -	22 416
same, sale by not avoided for irregularity on what conditions, - - - - -	23 416
same, liable for misconduct in suit as bond, - - - - -	24 416
same, sale by who held good if questioned by adverse claimant, - - - - -	25 416
of minor heir of deceased, not to purchase at executor's, &c., sale, - - - - -	18 419
of minor, idiot, insane person, drunkard, &c., when and how licensed to sell real estate, - - - - -	38 422
same, when license to sell all such real estate, - - - - -	39 422
same, bond of to account for proceeds of sale, - - - - -	40 422
same, when county commissioners to approve sale, - - - - -	41 422
same, who have notice of hearing of petition to sell, - - - - -	42 422
same, foreign, how file copy of appointment, - - - - -	43 423
same, foreign, how licensed to sell, - - - - -	44 423
same, foreign, when give further bond and when not, - - - - -	45 423
same, foreign, bond of to account for surplus of sale, - - - - -	46 423
how account for and dispose of personal estate of ward, - - - - -	18 469
authorized to sell or transfer stock, invest proceeds, &c., for ward, - - - - -	19 469
how removed; how may resign; appointment of substitute, - - - - -	20 469
duties of terminated by marriage of female ward, - - - - -	21 469
discharged how when office unnecessary, - - - - -	21 469
when may be required to give new bonds, - - - - -	22 470
bond of where filed, when prosecuted, - - - - -	23 470
limitation of actions against sureties on bond of, - - - - -	24 470
for minor non-resident, how appointed, - - - - -	26 470
same, powers and duties of, - - - - -	27 470
same, bond of, contents, - - - - -	28 470
first appointed, applies to all estate of ward in state, - - - - -	29 470
same, excludes jurisdiction of other probate courts, - - - - -	29 470
compensation of, - - - - -	30 470
when more than one may be appointed; bonds, &c., - - - - -	31 471

not in
 94.08849

MINNESOTA STATUTES 1858

GENERAL INDEX.

977

	Sec. Page.
GUARDIAN , account by joint, may be allowed on oath of one, - - - - -	32 471
consent to apprenticeship of ward, - - - - -	2 471
how become party to indenture, - - - - -	5 472
may sue master for breach of indenture, - - - - -	15 473
probate court may appoint, remove, control, &c., - - - - -	3 489
for idiot, lunatic, drunkard, &c., probate court appoint, - - - - -	18 491
same, duties and powers of, - - - - -	18 491
same, who may apply for appointment of, - - - - -	19 491
same, application for, how made; contents, - - - - -	20 491
same, proceedings on application (and following sections,) - - - - -	21 492
same, appointment how made, recorded, published, - - - - -	28 492
same, oath and bond of, - - - - -	29 492
same, powers and duties correspond with those of general guardian, how far, - - - - -	31 493
same, rules for conduct of in paying debts, - - - - -	32 493
same, when must give new or additional security, &c., - - - - -	36 493
same, must render account; is removable, - - - - -	36 493
same, how subject to authority of probate judge, - - - - -	36 493
same, how competent to specific performance of conveyance or contract by ward, - - - - -	37 493
same, when powers of cease, - - - - -	38 493
same, application to remove, proceedings, - - - - -	39 493
same, hearing; when removal, - - - - -	40 494
for infant defendant in justice suit, how appointed, - - - - -	23 500
for infant party to action, how appointed, - - - - -	31 534
same, who to appoint, - - - - -	32 535
may prosecute for seduction of ward, - - - - -	33 535
may sue for injury to ward, - - - - -	34 535
when summons must be served on, - - - - -	53 538
committing waste, liable in action, - - - - -	16 597
of infant, receive proceeds of partition sale of property, - - - - -	50 604
of insane person, receive same, - - - - -	51 604
when agree to partition of real estate without action, - - - - -	52 604
holder for military fine of ward, - - - - -	24 810
same, surplus at sale to be treated as real estate, - - - - -	47 423
same, oath before sale, - - - - -	48 423
same, costs if petition for license opposed, - - - - -	49 423
same, limitation of action for estate sold by, - - - - -	50 423
same, exception to such limitation, - - - - -	51 424
same, sale by when not void for irregularity if contested by ward, &c., - - - - -	52 424
same, how liable for misconduct, - - - - -	53 424
same, sale by when not void for irregularity if contested by adverse claimant, - - - - -	54 424
same, liable how for fraud as to sale, - - - - -	55 424
for minors, &c., before partition of estate to heirs, &c., - - - - -	13 451
when consent to marriage of minor, - - - - -	7 460
general and ward, provisions as to, - - - - -	— 467
same, probate judge may appoint, - - - - -	1 467
same when minor may appoint, - - - - -	2 467
same, if minor does not choose, or chooses unfit, judge appoint when, - - - - -	3 467
same, appointment by minor may be certified to probate judge, - - - - -	4 467
same, when have custody of person and education of minor, - - - - -	6 467
same, powers and duties of, - - - - -	7 467
same, bond of, contents, - - - - -	8 468
same, father may appoint by will; powers and duties, - - - - -	10 468
same, laws as to, not interfere with power of court to appoint as to suits, - - - - -	11 468
for insane, drunkard, &c., probate judge appoint, - - - - -	12 468
same, powers and duties of, - - - - -	13 468
pay debts of ward, - - - - -	14 469
settle accounts and collect debts of ward, - - - - -	15 469
manage estate of ward; when and how sell same, - - - - -	16 469
assent to partition, and assign dower, in ward's estate, - - - - -	17 469
notice of meeting of commissioners on mill dam to be served on, - - - - -	6 847
order in which damages assessed for dam to be paid to, - - - - -	9 847
may appeal from commissioner's assessment on same, - - - - -	10 848
HABEAS CORPUS , writ of; when probate judge may issue; fees, - - - - -	80 166
provisions relative to, - - - - -	— 634
who may prosecute, - - - - -	24 634
who may not prosecute, - - - - -	25 634
application for, to whom, - - - - -	26 635
what proof on application out of county, - - - - -	27 635
petition for, what to state, - - - - -	28 635
must be granted without delay, - - - - -	29 635
form of, - - - - -	30 635
defect in form not invalidate, - - - - -	31 635
sufficient when, - - - - -	31 636
fine for refusal to grant when allowable, - - - - -	32 636
what return on to state; how signed and verified, - - - - -	33 636
person in custody how brought up on, - - - - -	34 636
proceedings by attachment on failure to obey, - - - - -	35 636

MINNESOTA STATUTES 1858

978

GENERAL INDEX.

	Sec. Page.
HABEAS CORPUS , if sheriff fails to return, who may execute attachment, - - - - -	36 636
custody of party transferred from sheriff not making return, - - - - -	37 637
attachment, &c., for not returning, power of the county may be called out, - - - - -	38 637
examination at return to, into cause of imprisonment, - - - - -	39 637
discharge if person not legally imprisoned, - - - - -	40 637
when party remanded, - - - - -	41 637
when party discharged if held on civil process, - - - - -	42 637
legality or justice of judgment, &c., on which party holden not inquired into, - - - - -	43 637
proceedings if party committed for criminal offense, - - - - -	44 638
party when remanded or placed in legal custody, - - - - -	45 638
party how kept until judgment on return, - - - - -	46 638
when notice to parties interested in restraint of party, - - - - -	47 638
when notice to district attorney, on criminal charge, - - - - -	48 638
party may controvert return; hearing, - - - - -	49 638
if party too ill to be produced, proceedings, - - - - -	50 638
obedience to orders under, how enforced, - - - - -	51 638
officer obeying order under, not liable for so doing, - - - - -	52 639
person discharged on not to be again imprisoned for same causes, - - - - -	53 639
same, when cause not to be deemed same, - - - - -	53 639
penalty for recommitting person discharged on, - - - - -	54 639
transferring or concealing party to elude penalty, - - - - -	55 639
same, - - - - -	56 639
aiding in recommitment, transfer, &c., to elude penalty, - - - - -	57 639
penalty for such recommitment, transfer, &c., or aiding in same, - - - - -	58 639
warrant for party if danger before writ can be served, - - - - -	59 640
same, when contain order of arrest of person detaining, - - - - -	60 640
same, how executed; proceedings on, - - - - -	61 640
same, person detaining how examined, committed, &c., under, - - - - -	62 640
penalty for refusing copy of authority for detaining, - - - - -	63 640
when may be made returnable, - - - - -	64 640
endorsed with certificate of allowance, - - - - -	65 640
served by whom, what fees and bond required before party brought up, - - - - -	66 640
how served by delivery, or being left at jail, &c., - - - - -	67 641
how served if person to whom directed conceal himself, &c., - - - - -	68 641
duty of obedience to, - - - - -	69 641
petitioner for may be ordered to pay charges of bringing prisoner up, - - - - -	70 641
time of making return, - - - - -	71 641
common law provisions as to how far abrogated, - - - - -	72 641
courts may use to bring prisoner up for trial, evidence, &c., - - - - -	73 641
HANDWRITING , when in signature; when mark admissible, - - - - -	2 114
HANGING , to be mode of punishment by death, - - - - -	9 780
HEALTH . See BOARD OF HEALTH .	
HEALTH OFFICER ; appointed, - - - - -	2 272
HEARING , before judge on claim to town site land, proceedings, - - - - -	9 387
HEDGES , how permitted on highway, - - - - -	1 368
HEIR . See ADVANCEMENT; CONTRIBUTION; INHERITANCE; INTESTATE ESTATE .	
when real estate of deceased assessed to, - - - - -	8 230
construed, when remainder limited on death without, - - - - -	22 379
of tenant for life, when they take a remainder limited to them, as purchasers, - - - - -	28 379
posthumous children when take future estate limited to, - - - - -	30 380
estate dependent on death without, defeated by posthumous children, - - - - -	31 380
liable to widow for alienating dower land, how, - - - - -	27 410
infant, not to be prejudiced by collusive recovery of dower, - - - - -	29 410
when liable to contribution for debts of deceased, - - - - -	53 446
dying without paying contribution, estate of liable, - - - - -	57 447
paying more than share of contribution, compel contribution from others, - - - - -	58 447
partition, &c., of estate. See PARTITION AND DISTRIBUTION OF ESTATES .	
liable for debt of deceased, how far, - - - - -	17 612
all liable must be joined in action for same, - - - - -	17 612
when not liable for same, - - - - -	18 612
when liable on estate expressly charged with debt, - - - - -	19 612
when debt of deceased levied on real property descended, - - - - -	25 612
when heir personally liable for same, - - - - -	26 612
joint, contribution among, - - - - -	27 612
HENNEPIN COUNTY , act establishing, revised statutes, - - - - -	— 77
set off from Dakota county, revised statutes, - - - - -	22 77
attached to Ramsey county for judicial purposes, - - - - -	23 77
attached to Dakota county for representative purposes, - - - - -	23 77
unorganized until after treaty of Mendota ratified, - - - - -	24 78
election of county officers in after ratification, - - - - -	24 78
county seat of, temporarily fixed, how, - - - - -	25 78
Sibley county attached to for judicial purposes, - - - - -	38 79
same, - - - - -	58 82
area of, by act of Feb. 20, 1855, - - - - -	83 87
location of county buildings in Minneapolis, - - - - -	123 92
county commissioners to purchase lands for county buildings, - - - - -	124 92
county commissioners to cause erection of buildings, - - - - -	125 92

MINNESOTA STATUTES 1858

GENERAL INDEX.

979

	Sec. Page.
HENNEPIN COUNTY, boundaries of, act of Feb. 25, 1856, annexing part of Ramsey county,	126 93
records relating to, to be copied from Ramsey county records, -	127 93
delinquent taxes due Ramsey county to be paid to it,	128 93
HIGHWAYS. See COUNTY ROADS; OVERSEERS OF HIGHWAYS; ROADS; ROAD DISTRICTS; ROADS AND BRIDGES; STATE ROADS; ROAD TAX.	
construction of word, -	2 114
provisions relating to, -	— 205
town supervisor's duties as to,	156 205
labor and tax how assessed, -	156 205
estimates of repairs, &c., -	157 206
duty of overseers of, -	158 206
tax and labor how assessed; form, -	164 207
notice of work on, -	167 208
commutation for labor on, -	168 208
commutation not until payment, -	169 208
teams, &c., for, -	170 209
substitutes for work on, penalty, -	171 209
default in work or pay; penalty, -	172 209
excuse not to free from furnishing labor, -	178 210
how used for plank road or turnpike, -	70 289
inhabitants of village liable for tax for, -	185 310
railroad may occupy on what agreement,	253 321
HOGS. See ESTRAY.	
fatted, estray, may be killed when, -	34 264
proceeds to county treasurer, -	34 264
stock, finder when purchase on appraisal, -	35 264
when may run at large, -	1 851
act not extend to town or city, -	2 851
HOLIDAYS, in treasurer's office, what to be,	61 131
as to payment, protest, &c., of bills of exchange, promissory notes, &c., what to be,	10 376
payment due on, to be made on day preceding, -	11 376
HOLLINSHEAD, W., commissioner to revise statutes,	28 118
HOMESTEAD EXEMPTION, act for, -	— 569
what land and dwelling exempt from execution, &c., -	92 569
same, also exempt while widow and minor children occupy, -	92 569
exemption when not to extend to mortgage, -	93 569
householder how select homestead if levy, -	94 570
if plaintiff dissatisfied with selection, survey of homestead, -	95 570
property other than homestead, may be levied on, -	96 570
houses on leased property come under act, -	97 570
act not to exempt from taxes, -	98 570
list of personal property exempt from execution, &c., -	99 570
HOMICIDE, excusable and justifiable, what, -	3 702
justifiable, what, (and next section), -	4 702
excusable, what, -	6 702
excusable or justifiable, what verdict on, -	7 702
HORSE. See ANIMALS; ESTRAY.	
HORSE RACING, &c., village trustees may prevent, -	138 303
HOURS OF LABOR, act regulating, -	1 831
of women and children in factories; penalty for permitting violation, -	1 831
ten, to be day's labor when no contract, -	2 832
finer for violation of act as to, how used, -	3 832
HOUSE OF ILL-FAME, penalty for keeping, -	9 729
lease of, when void, -	10 729
HOUSE OF REPRESENTATIVES, members exempt from arrest, -	1 119
may punish contempt; contempt, what, -	2 120
contempt to be misdemeanor; penalty, -	3 120
oath of office of members, speaker and others may administer, -	4 120
member may administer oath in committee, -	5 120
to decide contests for seats in, -	6 120
officers, to be what, -	7 120
duties of chief clerk, -	8 120
journals and papers, how kept, -	8 120
clerk to index and publish journals, -	9 120
clerk to copy messages and documents; pay for same, -	9 120
clerk to make roll of members, -	10 121
clerk to call house to order, -	11 121
clerk to call house to order, -	20 123
compensation of members, how certified, -	12 121
may remove officer, and appoint substitute <i>viva voce</i> , -	13 121
to choose officers by majority, -	13 121
pay of officers of, -	14 121
may require and receive written opinion from supreme court, -	15 121
election for members of, -	16 121
time of meeting, -	17 122
term of office, one year, -	18 122
register's certificate of membership sufficient for organizing, -	22 122

See Chap 23
1860

MINNESOTA STATUTES 1858

980

GENERAL INDEX.

	Sec. Page.
HOUSE OF REPRESENTATIVES. <i>See</i> SPEAKER, &C., LEGISLATURE.	
organization at meeting, - - - - -	11 121
same, - - - - -	26 123
oath what; how taken, - - - - -	26 123
after organization to choose officers; officers, what, - - - - -	27 123
officers to take what oath, - - - - -	28 123
term of officers, of clerks, sergeant, fireman, - - - - -	29 123
speaker to appoint messenger boys, pay, - - - - -	30 123
elections of officers to be by major vote, - - - - -	31 123
quorum, how obtained, - - - - -	32 123
HOUSE OF WORSHIP, and lots, how far exempt from taxes, - - - - -	4 230
HOUSTON COUNTY, created and bounded, act of February 23, 1854, - - - - -	45 80
special election for county officers in, - - - - -	50 81
county seat to be Brownsville, - - - - -	52 82
district court, one term annually in, - - - - -	59 88
HOUSEHOLD FURNITURE, how much exempt from taxes, - - - - -	4 230
HUNDRED WEIGHT, what standard, - - - - -	10 373
HUSBAND. <i>See</i> DIVORCE; ESTATE BY CURTESY; ESTATE IN DOWER; HUSBAND AND WIFE;	
MARRIAGE; MARRIED WOMEN; WIDOW; WIFE.	
when tenant by curtesy, - - - - -	30 410
consent of to will, alteration or revocation of it by wife, - - - - -	1 425
may be compelled to pay for wife's proceedings in divorce suit, - - - - -	15 464
prohibited from restraining liberty of wife during same, - - - - -	16 464
on sentence of to imprisonment for life, wife entitled to real estate, - - - - -	20 465
restore personal estate to divorced wife, how, - - - - -	21 465
and wife, not to testify against each other without consent, - - - - -	53 681
HUSBAND AND WIFE. <i>See</i> HUSBAND; MARRIED WOMAN; WIFE.	
joint deed by may convey wife's estate, - - - - -	2 397
same, covenants in not binding on wife, - - - - -	2 397
may convey by agent, - - - - -	43 402
may give joint power of attorney to convey, - - - - -	43 402
IDIOTS. <i>See under</i> GUARDIAN.	
lands of sold for taxes, when redeemable, - - - - -	88 242
pauper, laws as to support of, - - - - -	— 270
agent for on appraisal of land for road, &c., - - - - -	76 291
marriage of not void if other party cognizant of idiocy at marriage, - - - - -	6 463
probate judge has custody of, - - - - -	17 491
guardians of, appointment, rights, duties, &c., (and following sections), - - - - -	18 491
duties and powers of probate judge as to. <i>See under</i> PROBATE COURT.	
ILLEGITIMATE CHILD, when and how to inherit, - - - - -	2 412
when heir of father; always heir of mother, - - - - -	2 412
dying intestate, estate of descends to mother, - - - - -	3 413
legitimatized by marriage of parents, - - - - -	18 462
same, on recognition by father, - - - - -	28 466
IMPEACHMENT, governor not to pardon or reprieve after conviction, - - - - -	6 126
IMPOTENCY, a cause of divorce, - - - - -	7 463
IMPRISONMENT. <i>See</i> JAILS; PRISONER; STATE PRISON.	
for breach of privilege of legislature, - - - - -	2 120
same, - - - - -	3 120
for violation of act on auditor's duties, - - - - -	46 129
of treasurer for defalcation, - - - - -	63 131
for disorder, &c., at elections, - - - - -	24 142
for defalcation by town or county officers, - - - - -	154 205
for return by county collector of paid tax as unpaid, - - - - -	31 234
for default in payment by county collector, - - - - -	41 235
for default by collector or assessor, - - - - -	68 238
for register's failure in duty as to tax sale, &c., - - - - -	100 244
misappropriation of public money, - - - - -	109 245
delinquency under chapter 9, on taxes, - - - - -	110 245
violation of health ordinance, - - - - -	2 272
injury to property of plankroad or turnpike company, - - - - -	110 298
for violation of law as to transfer book, - - - - -	287 328
unlawful sale of liquor to Indians, - - - - -	1 338
under judgment for violating laws as to liquor in Sioux purchase, - - - - -	12 340
of defendant in bastardy case, not recognizing to appear, - - - - -	4 344
same, not giving bonds for payment of costs, support, &c., - - - - -	7 344
unlawfully cutting timber on school lands, - - - - -	1 362
same, if fine not forthcoming, - - - - -	28 366
injury to fence of orchard, garden, &c., - - - - -	2 368
injury to trees, &c., in public or private grounds, - - - - -	3 369
witness not appearing and answering to prove deed, - - - - -	20 399
neglect to deliver will by person in charge, - - - - -	17 427
solemnizing marriage unlawfully, or false certificate of same, - - - - -	13 461
same, being unauthorized, or when impediment, - - - - -	14 461
when cause of divorce, - - - - -	7 463
for life, of husband, wife entitled to property, (and next section), - - - - -	20 465
limitation of actions not to run during, - - - - -	17 534

1858
 1861
 1862
 1863
 1864
 1865
 1866
 1867
 1868
 1869
 1870
 1871
 1872
 1873
 1874
 1875
 1876
 1877
 1878
 1879
 1880
 1881
 1882
 1883
 1884
 1885
 1886
 1887
 1888
 1889
 1890

	Sec	Page.
IMPRISONMENT, for debt, abolished, - - - - -	126	548
same, exceptions as to fines and contempts, - - - - -	126	548
same, laws authorizing repealed, - - - - -	128	548
for contempt of court; how modifiable, - - - - -	12	664
for murder; terms of, - - - - -	2	702
for manslaughter, terms of, - - - - -	22	704
same, in fourth degree, - - - - -	23	705
for being engaged in duel, - - - - -	27	705
accepting or carrying challenge, or aiding in duel, - - - - -	28	705
posting, &c., person for not fighting a duel, - - - - -	29	705
maiming or disfiguring, - - - - -	30	705
assault with intent to murder, maim, &c., - - - - -	31	705
attempt to commit murder by means not an assault, - - - - -	32	706
robbing being armed, - - - - -	33	706
assault, being armed, with intent to rob, - - - - -	36	706
attempt to extort money by threats, - - - - -	37	706
rape, - - - - -	38	706
rape and abuse of child, - - - - -	39	706
assault with intent to commit rape, - - - - -	40	706
false imprisonment and kidnapping, - - - - -	41	707
poisoning food, drink, &c., with intent to kill, - - - - -	43	707
assault with intent to commit burglary, &c., - - - - -	44	707
burning dwelling at night, and destroying life, - - - - -	1	708
same, when no life destroyed; when no person in building, - - - - -	1	708
burning dwelling in daytime, - - - - -	2	708
burning public building, ship, store, outhouse, &c., during night, - - - - -	3	708
same, during day, - - - - -	4	708
burning bank, manufactory, &c., or bridge, dam, &c., - - - - -	5	708
attempting same, - - - - -	5	708
burning lumber, hay, standing grain, &c., - - - - -	6	709
married woman, burning as above, likewise liable, - - - - -	7	709
burning insured goods to injure insurer, - - - - -	8	709
burglary armed, with intent to assault, &c., or assaulting, - - - - -	9	709
same, not armed, - - - - -	10	709
breaking into office, &c., or vessel; &c., with intent to commit crime, - - - - -	11	709
burglary, &c., or unsuccessful attempt at it, - - - - -	12	709
larceny in dwelling house, &c., - - - - -	13	710
larceny by stealing from person, - - - - -	14	710
stealing money, goods, security, &c., worth over \$100, - - - - -	15	710
same, worth less than \$100, - - - - -	15	710
buying, receiving, &c., stolen goods, - - - - -	17	710
embezzling, - - - - -	27	712
not informing on officer refusing to pay, - - - - -	28	712
warehouseman, &c., making false receipt, - - - - -	31	712
falsely personating another, - - - - -	32	713
obtaining property by false pretences, - - - - -	33	713
gross fraud or cheat, - - - - -	34	713
casting away or burning vessel to injure owner, - - - - -	35	713
lading or fitting out vessel, &c., with intent to destroy, - - - - -	36	713
making out, &c., false invoice, &c., of cargo, - - - - -	37	713
making, &c., false protest as to vessel, - - - - -	38	713
killing or maiming beasts; injuring personal property, - - - - -	39	714
selling lands without title, - - - - -	40	714
malicious injury to dam, reservoir, mill, &c., - - - - -	41	714
same, to road, bridge, railroad, telegraph, &c., - - - - -	42	714
same, to trees, glass in building, fence, &c., - - - - -	43	714
same, to landmark, milestone, street lamps, &c., - - - - -	44	714
wilful injury to trees, &c., on land of another, - - - - -	47	715
refusing to pay fine for same, - - - - -	48	715
forgery, counterfeiting, &c., (and following sections,) - - - - -	—	716
perjury, - - - - -	1	719
subornation of perjury, - - - - -	3	719
inciting to commit perjury, - - - - -	4	720
giving or offering bribes to executive or other officer, - - - - -	7	720
accepting bribe, - - - - -	5	720
corrupting court, juror, referee, &c., or attempting it, - - - - -	9	720
accepting bribe by same, - - - - -	10	720
attempting to aid escape from prison, - - - - -	11	720
aiding escape from officer, - - - - -	12	721
voluntarily suffering escape from prison, - - - - -	13	721
negligently suffering same, or refusing to receive prisoner, - - - - -	14	721
refusing to arrest, and suffering escape, - - - - -	15	721
refusing to aid justice, &c., - - - - -	16	721
falsely personating justice or officer, - - - - -	17	722
disguising to obstruct execution of law, - - - - -	19	722
compounding offenses, - - - - -	20	722
taking reward for omitting duty, by officer, - - - - -	21	722

MINNESOTA STATUTES 1858

982

GENERAL INDEX.

	Sec.	Page.
IMPRISONMENT , riotously destroying house, vessel, &c.,	7	724
setting up or promoting lottery,	1	725
second offense in same, or selling tickets,	3	725
making or selling ticket in fictitious lottery,	5	725
adultery,	1	728
polygamy,	2	728
lewd conduct,	4	728
fornication,	5	729
seduction,	6	722
concealment by mother of death of bastard,	7	729
keeping house of ill fame,	9	729
importing or disseminating obscene book, &c.,	11	729
incest,	12	729
sodomy,	13	729
disturbing public worship,	14	730
violation of sepulchre,	15	730
making road, &c., through burial ground, without consent,	17	730
cruelty to animals,	18	730
selling goods, liquor, &c., unlawfully, near religious meeting,	26	731
disturbance, shows, racing, gambling, &c., near religious meeting,	27	731
selling unwholesome provisions,	1	732
adulterating food or drink for sale,	2	732
adulterating drug or medicine, or selling such,	3	733
inoculating with small pox to cause it to spread,	4	733
physician prescribing while intoxicated,	5	733
accessory to felony after the fact,	4	734
attempts to commit offenses,	16	735
second offenses,	17	736
fugitive from justice, when likely to be demanded,	4	739
refusal to recognize to keep the peace,	8	741
to enforce payment of costs on same,	10	741
for assault when intent to commit felony not found,	44	776
solitary, how inflicted,	13	789
at hard labor, how inflicted,	14	790
solitary, may be inflicted on unruly prisoner,	15	790
for breaking prison,	17	790
same, if offender not convicted,	18	790
same, by person detained for trial for capital offense,	19	790
poor convict how relieved from,	21	790
in county jail, cost of how paid,	28	791
unlawfully taking or injuring floating logs,	1	825
purchasing stolen logs,	4	826
mutilating or defacing marks on logs, or injuring same, or putting on false marks,	40	831
INCORPORATED COMPANY. See CORPORATION.		
INCORPORATION , laws as to. See under CORPORATIONS, and names of several Corporations.		
INDENTURE. See APPRENTICE; MASTER AND APPRENTICE.		
consent to; by whom given; how endorsed on,	2	471
same,	3	472
how executed,	4	472
parent, guardian, &c., become party to, and bound by, how,	5	472
age of infant to be inserted in; same to be ascertained,	6	472
counterpart of deposited with register,	7	472
provision for education of apprentice to be inserted,	8	472
same, in case of binding for less than three years,	9	472
action on breach of, (and following sections,)	15	473
not binding after death of master.	25	474
INDIANS. See MENDOTA, TREATY OF. <i>1861. Article 48, 1891</i>		
property of not taxed; exception,	4	280
laws against furnishing liquor to,	—	338
may be witness on prosecution for so doing,	5	339
provisions as to,	—	841
committing offense off their reservations, subject to state laws,	1	841
not to leave reservations without passport,	2	842
without passport, may be removed by officer,	3	842
INDICTMENT. See GRAND-JURY.		
of delinquent county commissioner,	1	153
persons guilty of contempt of court when liable to,	15	664
when necessary to hold person to answer for crime,	1	701
second, acquittal may be pleaded in bar of,	4	701
defined,	32	752
when grand-jury must find,	38	753
how many grand-jurors must concur in,	60	756
names of witnesses to be inserted on,	63	755
foreman immediately to present to court,	64	755
in first pleading for the United States,	1	755
contents of,	2	755

MINNESOTA STATUTES 1858

GENERAL INDEX.

983

	Sec.	Page.
INDICTMENT , forms of for sundry offenses, - - - - -	3	755
fictitious name may be used in, - - - - -	6	759
may contain different counts, and what, - - - - -	7	759
time of offence how alleged in, - - - - -	8	760
what erroneous allegations immaterial, - - - - -	9	760
words in, how construed, - - - - -	10	760
words of statute need not be strictly pursued in, - - - - -	11	760
when sufficient, - - - - -	12	760
when defect in form not regarded, - - - - -	13	760
need not take presumptions of law, nor matter, of which judicial notice is taken, - - - - -	14	760
how judgment may be pleaded in, - - - - -	15	760
how private statute pleaded in, - - - - -	16	760
for libel, how need not prove application to party, - - - - -	17	760
misdescription of destroyed instrument in, immaterial, - - - - -	18	760
for perjury or subornation of it, what sufficient, - - - - -	19	761
against several, any one may be convicted or acquitted, - - - - -	20	761
for murder, when to be found, - - - - -	24	761
in other cases, when to be found, - - - - -	24	761
for offense on board of vessel, where found, - - - - -	25	761
when filed, defendant must be arraigned, - - - - -	1	762
for felony, defendant must be present at arraignment, - - - - -	2	762
when set aside on motion, - - - - -	1	764
if motion not made, when indictment cannot otherwise be objected to, - - - - -	2	764
motion to set aside, when to be heard, - - - - -	3	764
same, if denied, defendant must demur or plead, - - - - -	4	764
same, if granted, defendant discharged unless recommitted, - - - - -	5	764
if new not found on re-submission, defendant discharged, - - - - -	7	764
order to set aside, no bar to future prosecution, - - - - -	8	764
INDICTMENT , demurrer to. <i>See DEMURRER.</i>		
for misdemeanor, when defendant may be absent at trial, - - - - -	3	769
calendar of, how prepared, - - - - -	1	771
in what order disposed of by court, - - - - -	2	771
when trial of may be postponed, - - - - -	1	772
if prosecuting attorney not ready, when defendant discharged, - - - - -	2	772
order to discharge when no bar to another prosecution, - - - - -	3	772
for felony, when verdict of guilty of part of, - - - - -	43	776
for assault with intent to commit felony, may be conviction of assault alone, - - - - -	44	776
if two or more included in same, one may be discharged, to be witness, - - - - -	4	782
same, effect of order, - - - - -	5	782
trial of; questions of law and fact how decided, - - - - -	11	782
for offense having degrees, may be verdict of guilty of one lower than charged, - - - - -	20	783
against several; verdict may be rendered as to those on whom jury agree, and new trial for others, - - - - -	22	784
if defense insanity, jury so state in verdict, - - - - -	25	784
if not found at next term, prosecution dismissed, - - - - -	32	785
must be tried at next term, or dismissed, - - - - -	33	785
for fraud in partnership, - - - - -	19	834
INDIVIDUAL liability of plank road or turnpike stockholders, - - - - -	94	295
same, - - - - -	95	295
of manufacturing, &c., stockholder, for wages of employees, - - - - -	278	326
same, for other debts, how far, - - - - -	279	326
same, does not attach to holders in trust, executors, &c., - - - - -	280	327
of stockholders, if laws violated as to organization, &c., - - - - -	315	332
same, for unpaid stock; amount how levied by execution, - - - - -	321	332
same, when not to exist, - - - - -	322	332
same, when saved by pointing out corporate property, - - - - -	323	333
same, action over to compensate against corporation and other stockholders, - - - - -	324	333
proceedings on may be in law or equity, - - - - -	359	337
INDORSEE OF NOTE ; how maintain action, - - - - -	3	375
INFANT. <i>See MINOR; GUARDIAN.</i>		
in action, must appear by guardian, - - - - -	31	535
same, guardian how appointed, - - - - -	32	535
security for costs in action by, - - - - -	29	560
proceeds of share of in partition, to be paid to guardian, - - - - -	50	604
guardian consent to partition, and execute release, - - - - -	52	604
witness, examined by court as to capacity, - - - - -	95	687
INFECTED PERSON , removed how; expenses how paid, - - - - -	9	273
if cannot be removed, proceedings, - - - - -	10	273
warrant how made for removal, and provision, - - - - -	11	273
INFORMALITY , not cause for rejection of returns when, - - - - -	41	145
INHERITANCE ; estate of. <i>See ADVANCEMENT; ESTATE; HEIR; INTTESTATE; PARTITION AND DISTRIBUTION OF ESTATE; TITLE TO LANDS.</i>		
by descent, rules of, - - - - -	—	411
by illegitimate child, - - - - -	2	412
by mother, of illegitimate child's estate, - - - - -	3	413
by half blood, - - - - -	4	413
advancements to be part of, - - - - -	5	413
by right of representation, in what cases, - - - - -	1	411

MINNESOTA STATUTES 1858

984

GENERAL INDEX.

	Sec. Page.
INHERITANCE; by right of representation, defined,	12 413
INJUNCTION; when probate judge may issue; fees,	80 166
district court or judge may issue,	21 480
when and how granted,	22 480
when district court issue against corporation,	1 608
<i>same</i> , when issue before answer; how continue,	2 608
against insolvent corporations, how issue,	9 607
<i>same</i> , who may apply for,	10 607
when proceedings as to corporations stayed by,	25 609
appeal to supreme court on grant or refusal of,	11 621
upon what bill, petition or motion, and affidavit to issue,	3 670
may be granted in vacation,	4 670
requisites of bond before,	5 671
bond and affidavit how filed,	6 671
INQUEST. <i>See</i> CORONER.	
INQUISITION, by coroner's jury; form of,	108 170
INSANE. <i>See under</i> GUARDIAN.	
term how construed,	2 114
agent for on road appraisal, &c.,	76 281
lands of sold for taxes, when redeemable,	88 242
pauper; laws as to support of,	— 270
marriage of not to be avoided, if cohabitation-after recovery,	5 463
<i>same</i> , if other party cognizant of insanity at marriage,	6 463
guardian for, when probate judge appoint,	12 468
<i>same</i> , powers and duties of,	13 468
probate judge has custody of,	17 491
guardian of, how appointed; rights, duties, &c., (and following sections,) -	18 491
duties and powers of probate judge as to. <i>See under</i> PROBATE COURT.	
incapable to contract while under guardian,	42 494
limitation of actions not to run, against,	17 534
guardian of receive proceeds of sale of property of insane in partition proceedings,	51 604
<i>same</i> , consent to partition, and execute release,	52 604
may be committed, if acquitted on trial,	45 776
INSANITY; how stated in verdict if acquittal for,	45 776
jury directed to state in verdict,	25 784
INSOLVENT; liable to contribution as heir, devisee, &c., his share how paid,	36 480
security for costs in action by,	29 580
<i>same</i> , if party becomes,	30 581
fee for publishing notice of application of,	29 592
form of such notice,	30 592
corporations. <i>See under</i> CORPORATIONS.	
partnership, fraudulent sales, &c., by, void,	20 834
individual partners, <i>same</i> ,	21 834
INSOLVENT DEBTOR; provisions for relief of,	— 655
may be discharged from debts on assignment,	1 655
petition and schedule, contents,	2 655
form of affidavit annexed to petition,	3 655
order for creditors to show cause,	4 655
publication of notice of order,	5 655
<i>same</i> , where creditors reside in territory,	6 656
hearing before judge,	7 656
creditor opposing discharge, may demand jury trial,	8 656
jury how drawn,	9 656
<i>same</i> , in vacation, (and next section,)	10 656
proceedings of jury,	12 656
verdict to be recorded,	13 656
but one hearing before jury; if they do not agree, court to decide,	14 656
may be examined on hearing,	15 656
to pay over debts, &c., collected since making schedule,	16 657
when judge direct assignment of estate of,	17 657
<i>finding of jury</i> , when, to be conclusive,	18 657
property of to vest in assignees,	19 657
contingent interest when vest in assignees,	19 657
to receive discharge from court on certificate of assignment,	20 657
papers in case filed with clerk,	21 657
clerk enter judgments by confession for creditors,	21 658
clerk enter discharge of same judgments,	22 658
when may plead his discharge in bar,	23 658
discharge voidable in what cases,	24 658
writs of error when may be had on judgments against,	25 658
if new hearing, how conducted; be conclusive,	26 658
judgment against on what to be lien,	27 658
court may order distribution of proceeds of sale of,	28 659
INSOLVENT ESTATE. Order of payment by executor, &c.,	36 444
dividends to classes of creditors when,	37 444
order of court as to payments from,	38 444
<i>same</i> , suspended if appeal from commissioners,	39 444

	Sec.	Page.
INSOLVENT ESTATE, claim on disputed, how paid when decided,	40	444
successive distributions on,	41	445
executor when liable for payments from,	42	445
notice of time limited for payments from,	43	445
creditor not demanding payment within limited time, barred,	44	445
INSPECTORS OF ELECTIONS. See ELECTIONS,	51	82
INSPECTORS OF STATE PRISON. See STATE PRISON INSPECTORS.		
INSTITUTIONS OF LEARNING. See CORPORATIONS, NOT PECUNIARY.		
act as to,	—	815
who may incorporate themselves as,	221	315
what statement corporators to make, verify and record,	221	315
upon such recording, &c., what powers to be possessed by,	222	316
powers of trustees of,	223	319
diplomas of, confer what privileges,	224	316
officers of may be required to give bonds,	225	317
annual report of trustees,	226	317
trustees how liable for debts of,	227	317
legal process how served on,	228	317
subject to visitation, &c., by superintendent of public instruction,	229	317
already existing, how to take benefit of act,	230	317
prohibited from banking,	231	317
INSTRUCTION. See EDUCATION.		
INSTRUMENT. See CONTRACT; CONVEYANCE; DEED; MORTGAGE; WRITING.		
any device may be used as seal of,	3	374
agent may sign what,	9	457
what necessary to execute power,	49	394
execution of power, what deemed conveyance,	41	394
to be recorded, requisites of,	57	404
what may be recorded,	65	405
same, to be notice to subsequent purchaser, and lien on land,	70	406
what may be read in evidence, on certificate of proof and acknowledgment,	66	683
registers and clerks of courts how to receive and keep on deposit,	67	683
same, how to be filed and endorsed,	68	683
same, be withdrawn how,	69	684
same, open to examination on what terms,	70	684
same, force of officer's certificate of loss of,	71	684
loss of, proof of by party on oath, how rebutted,	78	684
signature or execution proves itself how far,	80	685
forged, misdescription in indictment immaterial,	18	760
INSURANCE COMPANIES. See MUTUAL INSURANCE COMPANIES.		
dividend by when losses unknown, not fraud,	314	332
INTEREST OF MONEY, parties may fix in writing,	1	376
seven per cent. legal rate, if none specified,	2	376
on judgments, rate of,	3	377
on judgment, between first and second judgment, if appeal not allowed,	26	580
INTERNAL IMPROVEMENT, corporations for how file articles,	302	330
corporations for may last fifty years,	307	331
suits and penalties for cutting timber on lands: proceedings; (and following sections,)	6	363
INTESTATE ESTATE. See ADMINISTRATOR; PROBATE COURT; TITLE TO LANDS BY DESCENT.		
personal, how applied and distributed,	1	433
letters of administration on, how granted,	2	434
same, to whom to be granted,	3	434
provisions respecting,	—	433
INVENTORY, executor when to make,	2	431
executor or administrator, when to make,	1	436
separate, of household furniture, &c., allowed to widow,	5	437
of estate of ward, guardian to make,	8	468
same, how made,	18	469
of property of insane person or drunkard, when put under guardian,	30	493
of exempt property, if levied on,	103	571
ISANTI COUNTY, set off from Ramsey; bounded; February 13, 1857,	155	96
seat of justice, Cambridge,	156	96
organized; officers how chosen,	157	96
attached to St. Louis county for judicial purposes,	49	485
ISSUE, word how construed,	2	114
what in bastardy case,	6	344
construed, where remainder limited on death without,	22	379
posthumous children when take future estate limited to,	30	380
estate dependent on death without, defeated by posthumous children,	31	380
how inherit intestate estate,	1	411
ISSUE, (in pleading,) laws as to,	—	557
when they arise; of what kinds,	1	557
of law, how arises,	2	557
of fact, how arises,	3	557
of law, tried by court or referees,	5	557
of fact, when tried by jury; exceptions,	6	557
same, when tried by court,	7	557

MINNESOTA STATUTES 1858

986

GENERAL INDEX.

	Sec. Page.
ISSUE ; notice of, how served; contents, - - - - -	8 558
on calendar, in what order disposed of, - - - - -	9 558
what may be referred to referee chosen by parties, - - - - -	49 563
what, to referees chosen by court, - - - - -	50 563
referee's report on, to be judgment of court, - - - - -	54 564
of fact, in mandamus from supreme court, where tried, - - - - -	12 633
same, in mandamus, on pleadings, where tried, - - - - -	13 633
same, special jury for, - - - - -	13 633
of fact, in criminal case, how arise, - - - - -	1 769
same, how tried, - - - - -	2 769
same, when defendant must be present on trial, - - - - -	3 769
ITASCA COUNTY , created, - - - - -	1 75
boundaries of, by revised statutes, - - - - -	6 76
organized only as to justices, constables, &c., - - - - -	18 77
attached to Benton county for judicial purposes, - - - - -	18 77
justices and constables in, number, appointment, term of office, - - - - -	19 77
Newton county set off from, 1855, - - - - -	81 87
part of created St. Louis county, act of March 1, 1856, - - - - -	140 94
attached to Benton county for judicial purposes, - - - - -	142 95
an organized county, - - - - -	166 97
Ojibway county seat of, - - - - -	167 97
governor to appoint commissioners; their duties, - - - - -	167 97
district court terms in, - - - - -	167 97
attached to Morrison county for judicial purposes, - - - - -	49 485
JACKSON COUNTY , created and bounded, May 23, 1857, - - - - -	182 100
organized; in third judicial and tenth council districts, - - - - -	186 100
governor to appoint commissioners; duties, - - - - -	191 101
Jackson temporary county seat of, - - - - -	192 101
meeting of commissioners of, - - - - -	193 101
JAIL . See ESCAPE .	
sheriff to have custody of, - - - - -	52 161
insufficient, substitute for, - - - - -	60 162
wanting, fort may be used as, - - - - -	2 338
person guilty of unlawfully cutting timber of school lands, may be confined in what, - - - - -	2 362
attempts to aid escape from; penalty for, - - - - -	11 721
in each county, how to be used, - - - - -	1 788
same, if none, prisoners confined in that of next county, - - - - -	2 788
same, - - - - -	33 792
how to be constructed, - - - - -	12 789
breaking out of, penalty, - - - - -	18 790
same, - - - - -	19 790
to be established in every county, - - - - -	25 791
grand-jury to examine and report on, - - - - -	26 791
sheriff or deputy to keep; how to keep, - - - - -	27 791
may be used to confine fugitives from justice or labor, - - - - -	34 792
JAILOR . See SHERIFF .	
to receive persons committed by judge of elections, - - - - -	24 141
how to receive and keep felons, &c., - - - - -	50 163
suffering voluntary escape from prison, penalty, - - - - -	13 721
suffering negligent escape, or refusing to receive prisoner, - - - - -	14 721
receive prisoners from adjoining county, when, - - - - -	2 788
accounts of, how paid, - - - - -	3 788
furnish calendar to county commissioners, - - - - -	4 788
not to furnish liquor to prisoners, - - - - -	5 788
furnishing liquor to prisoners, or putting both in one room, penalty, - - - - -	6 789
duty as to keeping prison clean, - - - - -	8 789
provide Bible or Testament for each prisoner, - - - - -	9 789
when put unruly prisoner in close confinement, - - - - -	15 790
furnish necessary bedding, clothing, fuel, and medical aid to prisoners, at expense of county, - - - - -	16 790
to receive and keep what prisoners, - - - - -	22 791
make out calendar, before United States Court, - - - - -	24 791
JOINDER OF ACTIONS , - - - - -	87 543
JOINT AUTHORITY ; words giving, give to majority, - - - - -	2 114
JOINT CONTRACT ; or judgment on estate, either party deceased liable for, - - - - -	19 442
JOINT CONTRACTOR ; service of summons, service to all, - - - - -	14 533
JOINT CONVENTION ; for electing U. S. Senator, act as to, - - - - -	— 147
JOINT DEFENDANT . See DEFENDANT .	
JOINT GUARDIANS ; probate court may appoint, - - - - -	31 471
account by, may be proved by oath of one, - - - - -	32 471
JOINT TENANCY . See PARTITION OF REAL PROPERTY .	
estates in, law continues how as to, - - - - -	43 381
not created by grant to more than one person, except expressly, - - - - -	44 381
same provision, not apply to what cases, - - - - -	45 381
JOINT TENANT ; may sue co-tenant for excess of rent received, - - - - -	38 411
JOINT TRUST ; of personal property, where same assessed, - - - - -	9 231
JOINTURE ; what settlement of bars right of dower, - - - - -	14 409

MINNESOTA STATUTES 1858

GENERAL INDEX.

987

	Sec. Page.
JOINTURE, what settlement of must consist of, - - - - -	14 409
assent to how expressed, - - - - -	15 409
JOURNALS, of house of representatives, clerk to keep, - - - - -	8 120
when deposited with secretary of state, - - - - -	8 120
to be indexed and printed, - - - - -	9 120
of senate, secretary to keep, - - - - -	8 120
same, when deposited with secretary of state, - - - - -	8 120
same, to be indexed and printed, - - - - -	9 120
of legislature; style of printing; who supervise, - - - - -	2 267
same, copies when to be furnished to printer, - - - - -	2 267
same, printed copies when to be ready, - - - - -	3 267
same, what official copies of, - - - - -	9 269
JUDGE. <i>See</i> DISTRICT COURT, JUDGE OF.	
of probate. <i>See</i> PROBATE, JUDGE OF.	
subpoena witness for road appraisal commissioner, - - - - -	78 291
non-performance of duty under license law, penalty, - - - - -	22 342
interested, removal of cause as to town site, lands from, - - - - -	5 386
entering town site lands for himself, has what title, - - - - -	15 390
before what, deed may be acknowledged, - - - - -	8 398
same, in other state, &c., - - - - -	9 398
how examine bail in justification, - - - - -	115 547
indorse allowance of bail on undertaking, - - - - -	116 547
duties of on proceedings as to property withheld by judgment debtor. <i>See</i> JUDGMENT DEBTOR.	
JUDGE OF COURT OF RECORD, may solemnize marriage, - - - - -	4 460
same, duties as to same. <i>See under</i> MARRIAGE.	
same, duty and authority as to proceedings to prevent crime. <i>See</i> RECOGNIZANCE TO KEEP THE PEACE.	
may issue process respecting examination of offenders, - - - - -	1 745
proceedings before on same. <i>See</i> EXAMINATION OF OFFENDERS.	
JUDGE OF ELECTION. <i>See</i> ELECTION, JUDGES OF; ELECTION, GENERAL, JUDGES OF.	
JUDGE OF SUPREME COURT. <i>See</i> SUPREME COURT.	
may issue process in vacation, - - - - -	7 476
absence of in term time, proceedings, - - - - -	8 476
same, clerk adjourn court, - - - - -	9 476
when hold and notify special term, - - - - -	10 476
salaries of, - - - - -	17 477
term of office of, - - - - -	20 477
JUDGES OF TOWN MEETING, proceedings if vote challenged, - - - - -	20 182
to sign proceedings of meeting, - - - - -	22 183
to deposit ballots in box, - - - - -	27 183
to canvass votes; mode of proceeding, - - - - -	28 183
JUDGMENT. <i>See</i> APPEAL; VERDICT.	
against county officers, how satisfied, - - - - -	263 111
against town, how levied, - - - - -	82 192
on justice's bond, to be what, - - - - -	228 221
for breach of official bond, governor declare office vacant, - - - - -	3 247
against plank road or turnpike company, how given, - - - - -	96 295
same, execution on, - - - - -	96 295
against toll-gatherer, when collectable of company, - - - - -	106 297
under act as to liquors in Sioux purchase, imprisonment under, - - - - -	12 340
on bond of liquor license, if not satisfied, supervisors when liable, - - - - -	23 342
in bastardy case, what, - - - - -	6 344
interest on, what rate of, - - - - -	3 377
in suit by executor, &c., to be true balance of account, - - - - -	18 442
when executor, &c., pleads that he has fully administered, - - - - -	52 446
for minor, in action for breach of indenture, discharges him, - - - - -	18 473
arrest of, motion decided by supreme court, - - - - -	3 473
before justice, set-off of mutual, - - - - -	70 508
same, when set-off if rendered before another justice, - - - - -	71 508
same, if set-off allowed, justice how enter on docket, - - - - -	72 508
by confession, justice when enter, - - - - -	73 508
same, requisites of, - - - - -	74 508
same, judgment-roll, how made up, - - - - -	75 508
same, transcript of to be furnished; to be filed in district court, - - - - -	76 509
same, on same footing as judgment of district court as to lien, &c., - - - - -	77 509
justice's, when to be rendered, - - - - -	80 509
same, execution on. <i>See</i> EXECUTION.	
bail before justice may have for amount collected from him, - - - - -	85 510
justice, how furnish certified transcript of, - - - - -	88 510
justice's, after filing transcript, on same footing as if from district court, as to lien, &c., - - - - -	88 510
on attachment before justice; execution, - - - - -	117 514
justice to render when, in criminal case, - - - - -	197 525
of justice, whom to execute, - - - - -	801 526
of United States court or state or territorial court, limitation of, - - - - -	225 532
new action may be commenced within a year after reversal or arrest of, - - - - -	5 534
how pleaded, - - - - -	1 542

MINNESOTA STATUTES 1858

	Sec.	Page.
JUDGMENT, taken by mistake, excusable neglect, &c., relief from, - - - - -	94	544
disposal of money deposited in satisfaction of, - - - - -	120	547
against sheriff on liability as bail; proceedings if unsatisfied, - - - - -	122	547
on undertaking to redeliver property to sheriff, how satisfied, - - - - -	156	552
in civil actions, defined, - - - - -	166	554
may be given for or against any of several parties, - - - - -	167	554
may determine ultimate rights of parties, - - - - -	167	554
where several defendants, may be given against one, action proceeding as to others, - - - - -	168	554
relief granted plaintiff, to be what, - - - - -	169	554
when action may be dismissed without, - - - - -	170	554
when rendered on merits, - - - - -	171	554
when against one defendant where several summoned, - - - - -	172	554
on failure to answer, when may be given, - - - - -	173	554
by court on question of fact, how given, - - - - -	41	562
same, on issue of law or fact, proceedings, - - - - -	42	562
application for, how heard in vacation, - - - - -	43	562
same, in special verdicts, how heard in vacation, - - - - -	43	562
in vacation, to be as effectual as in term, - - - - -	46	563
on trial by jury, entered how, - - - - -	67	565
when case reserved, - - - - -	68	565
if counter claim greater than demand, may be for defendant, - - - - -	69	565
in action to recover personal property, what, - - - - -	70	566
when to be entered by direction of single judge, - - - - -	71	566
book for, called judgment book, - - - - -	72	566
entered in judgment book, how, - - - - -	73	566
after death of party when; effect of, - - - - -	74	566
roll, what to contain; how filed, - - - - -	75	566
roll, what part of to be given on exemplification, - - - - -	75	566
how made lien or real property, - - - - -	76	566
same lien, extends to what property, - - - - -	77	566
how entered in docket, - - - - -	78	566
satisfaction of, how entered, - - - - -	79	567
same, how acknowledged, - - - - -	79	567
may be enforced within five years, - - - - -	80	567
requiring payment of money, or delivery of real or personal property, how enforced by execution, - - - - -	84	568
after five years from, execution how issue, - - - - -	85	568
after death of party, may issue against his property, - - - - -	86	568
for recovery of money, interest allowed on, - - - - -	8	578
costs how inserted in, - - - - -	9	578
on appeal, costs on, - - - - -	25	580
interest between first and second trial not allowed for computing costs, - - - - -	26	580
for real property, how new trial on, - - - - -	5	595
same, when third trial, - - - - -	6	595
after new trial, how entered, - - - - -	7	595
same, if prior judgment executed, restitution, - - - - -	7	595
of forfeiture and eviction, when given in action for waste, - - - - -	17	597
against corporation, when receiver appointed on, - - - - -	6	607
against executors, &c., may be taken against all, though not served on all, - - - - -	4	610
same, on failure to answer, not evidence of assets, - - - - -	5	610
same, real property of deceased not affected by, - - - - -	8	611
when next of kin, &c., show that previous class of debts is unsatisfied, - - - - -	22	612
against same, when property descended to them exceeds amount of prior debts, - - - - -	23	613
against heir, &c., for debt of deceased, when to be satisfied from real estate, - - - - -	25	613
same, not to affect real estate aliened by him in good faith before action commenced, - - - - -	27	613
for official delinquency, not prevent another action on same security, - - - - -	4	615
same, against surety, when limited to amount of undertaking, - - - - -	5	615
same, several, against sureties; amount of recoveries limited by undertaking, - - - - -	7	615
collusive; does not prevent by another person, - - - - -	16	616
against county, or commissioners, how presented to board, - - - - -	17	617
same, to be included, with interest, in tax list, - - - - -	18	617
same, treasurer pay how, - - - - -	19	617
for usurping office, may determine right of what parties, - - - - -	9	619
same, if in favor of person alleged to be entitled, when he may enter on office, - - - - -	10	619
same, if same, he may recover damages from usurper, - - - - -	12	619
against defendant, to be what, - - - - -	14	620
of dissolution of corporation, when, - - - - -	15	620
same, costs in, - - - - -	16	620
same, injunction and receiver may be had on, - - - - -	17	620
same, on vacating, &c., letters patent, to be filed how, - - - - -	18	620
in district court, removable to supreme court, - - - - -	2	621
same, penal, how examined and modified in supreme court, - - - - -	2	621
on appeal, what, - - - - -	8	621
appeal from. See APPEAL.		
affirmed in writ of error, may be double costs on, - - - - -	26	624
in capital case, writ of error how allowed on, - - - - -	27	624
in other criminal cases, how issue, - - - - -	28	624

MINNESOTA STATUTES 1858

GENERAL INDEX.

989

	Sec.	Page-
JUDGMENT , affirmed on writ of error, ten per cent. damages on,	30	624
against persons jointly indebted, parties not originally summoned, how summoned afterward,	1	625
in special proceeding, what,	7	632
on trial of issue of fact on application for mandamus,	15	633
on application for writ of prohibition,	22	634
by confession, provisions as to,	—	642
same, for what may be entered,	1	642
same, defendant's statement for,	2	642
same, statement how filed, and judgment entered,	3	642
same, in district court, signed by attorney, how,	4	642
same, in same, entered when authority shown,	5	642
same, in vacation, how effectual,	6	642
under submission to court,	7	643
same, judgment how entered; what judgment roll,	8	643
same, how enforced on appeal from,	9	643
against vessel, &c., how,	8	648
same, vessel, &c., may be sold under how,	10	648
same, execution how issue,	11	648
same, appeal from,	20	649
of justice in forcible entry and detainer,	9	651
by confession, entered against insolvent at discharge,	21	658
same, discharge of entered,	22	658
under chapter as to insolvents, how far lien on lands,	27	658
in case of garnishee, what,	9	660
same, execution on,	11	660
against garnishee, have what force as to defendant,	17	661
attorney's lien on, what,	16	668
on removal or suspension of attorney by court,	28	669
same,	29	669
exemplification of justices, how evidence in other states,	59	682
on award of arbitrators, how given,	12	691
same,	16	691
same, how recorded,	17	691
same, how filed and docketed,	18	691
same, court may enforce how,	20	692
under lien law, what to be,	28	694
same, how may be obtained,	28	698
in gambling case, when on oath of parties,	9	727
how pleaded, to indictment,	15	760
in action for overflowing lands, lien on company's dams, &c.,	14	845
for damages from mill-dam, &c.,	16	848
JUDGMENT DEBTOR , judgment how lien on property of,	77	566
execution against property of, what to contain,	82	567
same, directed to what sheriff,	87	568
same, how executed, (<i>and see EXECUTION</i>),	109	568
may redeem property sold on execution,	114	573
when and how may redeem same,	115	573
same,	21	646
same, from another redemptioner,	116	573
same,	21	646
<i>See REDEMPTIONER.</i>		
when may be compelled to answer as to his property,	122	574
how ordered to appear for same,	123	574
may be brought up on warrant for same,	124	575
person indebted to may pay debt to sheriff,	125	575
garnishee of, how summoned to appear,	126	575
witnesses in proceedings as to,	127	575
proceedings before referee in inquiry as to property of,	128	575
property of how ordered to be used in satisfaction of judgment,	129	575
receiver of property of may be appointed,	130	575
transfer by holder of property forbidden how,	131	576
reference as to property of,	132	576
charges of persons examined as to property of, how allowed,	133	576
contempt, before judge or referee in case as to, how punished,	134	576
in suit for partition of real property, how binding,	11	599
same, not to affect what parties,	12	599
against bank, &c., for refusal to pass bills, what interest allowed on amount recovered,	4	605
on death of, representatives summoned to show cause why they not satisfy judgment,	2	625
same, proceedings as to. <i>See under ACTIONS,</i>	—	625
JUDGMENT ROLL , in civil case, contents,	75	596
in criminal case, contents,	43	785
JUDICIAL EXPENSES , &c., laws as to, in force before August 16, 1856, how far re-enacted.		
JUDICIAL ORGANIZATION OF COUNTIES. <i>See under names of COUNTIES.</i>		
JURISDICTION , of justices, (<i>and see JUSTICE OF THE PEACE</i>),	220	222
same, when county divided,	231	222
same, under license law,	26	342
same, general provisions as to,	1	498

MINNESOTA STATUTES 1858

	Sec. Page.
JURISDICTION , same, extended,	177 521
same, in criminal cases,	179 523
of supreme court, (<i>and see</i> SUPREME COURT,)	3 475
of district court, (<i>and see</i> DISTRICT COURT,)	1 478
equity and chancery to be in form of civil actions,	19 480
of probate court, (and following sections; <i>and see</i> PROBATE COURT,)	1 489
of district court, in cases respecting wife's property,	107 572
same, over corporations, specified,	3 606
same, not to impair special visitatorial powers,	4 607
same, how to be exercised,	5 607
of courts of state, who subject to,	36 629
same, corporations when subject to,	37 629
same, over what causes of action,	38 629
of district courts, in mandamus,	17 633
same, in cases of mechanics' lien,	5 694
of justices, over larcenies,	16 710
same, over cases of buying, &c., stolen goods,	18 710
same, in cases of injury to property,	46 715
same, of injury to trees, mineral, &c.,	48 715
same, over certain offenses against chastity, morality, &c.,	22 730
same, in suits for fines, how far,	12 735
JUROR. <i>See</i> GRAND-JURORS.	
JUROR , inhabitants of county concerned in suit may be,	258 110
county commissioners how to select,	7 154
inhabitants of town may be, in suit as to it,	52 188
same, exception,	78 191
district judge direct drawing of,	16 480
if deficient, special venire for,	18 480
oath of,	15 558
fees of,	26 591
same, in probate courts,	27 592
in justice suit for forcible entry, &c., penalty for not serving,	15 652
contempt of court by, what,	1 663
accepting bribe, penalty,	10 720
oath of,	39 775
when may affirm instead of swearing; words,	40 776
in criminal case, view may be ordered by,	41 776
having personal knowledge, to be sworn as witness,	9 782
JUROR , coroner's, penalty for delinquency,	101 169
coroner's, fees of,	101 170
coroner's, oath of,	102 170
JURY. <i>See</i> TRIAL BY JURY. <i>Legal ch. 34-17-18-20</i>	
to assess road damages; demand for, <i>Statute ch. 31</i>	24 253
same, bond for costs,	25 253
same, how summoned, <i>79 18-6-4</i>	26 253
same, sworn appraisal; award,	27 253
same, fees of,	28 254
same, expense of, county when to pay,	29 254
to assess compensation of finder of stray, fees,	26 263
in justice suit for trespass on school lands, &c., how summoned,	20 365
same, challenged and completed,	20 365
same, not summoned when demanded by defendant,	21 365
same, fees for, to be advanced; form of venire,	22 365
same, attachment and fine if fails to appear,	34 367
same, fees of, what,	34 367
in probate court, to try question of insanity, how drawn, impaneled, &c.,	23 492
same, inquisition of how made; contents,	26 492
sheriff summon to try right of property claimed by third person,	154 552
when issue of fact must be tried by,	6 557
court may order on any issue of fact,	7 557
how drawn by clerk at trial,	14 558
bystanders, &c., how summoned to complete,	14 558
when complete, ballots with names of laid aside until discharge,	16 558
challenge to, who may make; what allowed,	17 559
view real property or locality, when,	19 559
may be kept together or separate until cause submitted,	20 559
may be admonished as to conversation or opinion on case,	20 559
charge of court to, contents of,	22 559
decide in court, or retire; retire and consult how,	23 559
during consultation, how kept, and what allowed,	23 560
same, how provided with food and lodging,	24 560
same, what papers and testimony they may take with them,	25 560
may return into court for information,	26 560
cannot be discharged except after verdict; exception,	27 560
if discharged without verdict, new trial,	28 560
while absent consulting, court may adjourn,	29 560
when agreed, how brought into court; if some absent, rest discharged without verdict,	30 560

	Sec. Page.
JUROR , how asked and answer as to verdict, - - - - -	31 560
may be polled how, after verdict, - - - - -	32 560
if any juror answer in negative, proceedings, - - - - -	32 560
if verdict informal or insufficient, proceedings, - - - - -	32 560
verdict read to, question if it is theirs, - - - - -	33 561
verdict of, general and special, what, - - - - -	34 561
same, when either may be rendered, - - - - -	35 561
special finding, with general verdict, - - - - -	35 561
same, when inconsistent, former controls, - - - - -	36 561
on verdict, when assess amount recovered, - - - - -	37 561
on verdict to recover personal property, must assess property and damages, - - - - -	38 561
verdict how entered, - - - - -	39 561
trial by waived how, - - - - -	40 562
trial by, provisions for apply to trials by court or referees, - - - - -	66 566
sheriff's, to try claim of third person to property, - - - - -	89 568
proceedings by same, - - - - -	89 568
on trial of issue of fact on application for mandamus, - - - - -	13 633
on trial before justice in forcible entry and detainer; either party may have, - - - - -	5 650
same, if cannot agree, discharged; proceedings, - - - - -	10 651
demanded by creditor opposing discharge of insolvent, - - - - -	8 656
same, how drawn, - - - - -	9 656
same, how drawn in vacation, - - - - -	10 656
same, proceedings of on trial, - - - - -	11 656
same, verdict how recorded, - - - - -	13 656
same, but one hearing before; if not agree, court or judge decide case, - - - - -	14 656
same, finding of jury in when conclusive, - - - - -	18 667
petit or trial, defined; how returned, - - - - -	1 769
same, how drawn, - - - - -	2 769
same, qualifications and disabilities for, - - - - -	3 770
same, how elected and chosen, - - - - -	4 770
same, when venire for less than thirty-six may be issued for, - - - - -	5 770
same, ballots how folded for drawing, - - - - -	6 770
same, when names of may be called, and those absent attached, - - - - -	7 770
same, mode of drawing, - - - - -	8 770
same, disposal of ballots of jurors drawn, - - - - -	9 770
same, disposal of same after jury discharged, - - - - -	10 770
same, ballots of jurors absent or excused, - - - - -	11 770
same, when bystanders may be summoned to fill, - - - - -	12 770
same, bystanders to fill how returned, - - - - -	13 770
same, such bystanders to be qualified as jurors, - - - - -	14 770
same, to consist of twelve men, how chosen and sworn, - - - - -	15 770
same, when additional jurors, summoned for, - - - - -	16 771
challenges to. <i>See CHALLENGE</i> , - - - - -	— 772
in trial of criminal cases not capital, oath of, - - - - -	39 775
in capital cases, - - - - -	40 775
in criminal case, decide fact; give general verdict, - - - - -	11 782
same, must receive law as laid down by court, - - - - -	12 783
same, charge to, what, to contain, - - - - -	13 783
same, may retire or decide in court, - - - - -	13 783
same, if retire, how kept while deliberating, - - - - -	13 783
same, may take with them what papers, &c., - - - - -	15 783
same, may have notes of testimony, - - - - -	16 783
same, disagreeing as to testimony, may return and inquire of court, - - - - -	17 783
same, when discharged if accident prevents deliberating together, - - - - -	18 783
same, in same case when new trial, - - - - -	19 783
same, may find guilty of degree lower than charged, or attempt to commit, - - - - -	20 783
same, may find guilty of offense included in that charged, - - - - -	21 784
same, on indictment against several, may convict the guilty, - - - - -	22 784
same, polled on verdict rendered, - - - - -	23 784
same, verdict read, and inquiry if it be theirs, - - - - -	24 784
same, if acquit for insanity, state same in verdict, - - - - -	25 784
view premises in action for overflowing lands, - - - - -	12 845
JURY , coroner's. <i>See CORONER</i> .	
JURY LIST , when made out, &c., if omitted, - - - - -	8 154
how selected, - - - - -	9 154
JUSTICE , county seat of. <i>See under names of counties and county seats</i> .	
JUSTICE , fugitives from. <i>See FUGITIVES, &c.</i>	
JUSTICE OF THE PEACE . <i>See TOWN AUDITORS</i> .	
in Itasca, Wabasha, Dakota, Cass, and Pembina counties, number, appointment, term of office, - - - - -	19 77
duties and bonds of, in same counties, - - - - -	20 77
in Pierce, Sibley, Rice, and Goodhue counties, number, appointment, term of office, - - - - -	39 80
in Dakota, Wabasha, Fillmore, Scott, Le Sueur, Blue Earth, and Nicollet counties, appointment, term, - - - - -	40 80
actions of counties may be before, as of individuals, - - - - -	261 111
when to be elected, - - - - -	1 139
same, - - - - -	14 180

MINNESOTA STATUTES 1858

	Sec. Page.
JUSTICE OF THE PEACE to assist in canvass at general election, - - - - -	31 143
length of term, - - - - -	14 181
to be chosen by ballot, - - - - -	23 183
when to take oath and file bond; bond what; form, - - - - -	39 185
part of board to fill vacancies in town office, - - - - -	47 186
when may accept resignation by town officer; forms, - - - - -	40 187
to aid in auditing chairman of supervisors' account, - - - - -	54 188
hearing suit as to town, to be non-resident thereof, - - - - -	79 191
aid in filling vacant collectorship, - - - - -	148 203
duty on highway overseer's complaint as to labor, (and next sections), - - - - -	174 209
part in deciding that road damages too high, - - - - -	205 216
qualifications for being, - - - - -	227 221
oath; bond, - - - - -	228 221
copy of bond to be evidence, - - - - -	228 222
jurisdiction; office where, - - - - -	229 222
vacancy, docket, papers, &c., deposited, - - - - -	230 222
jurisdiction when county divided, - - - - -	231 222
to proceed in cause where former justice left office, - - - - -	230 222
duty in application for jury to assess road damages, - - - - -	25 253
same, summons jury, - - - - -	26 253
same, swear jury, - - - - -	27 253
same, his fees, - - - - -	28 254
receive vessel, &c., found: issue writ of restitution, - - - - -	3 256
certify proceedings as to same to district court clerk, - - - - -	4 256
cause same to be examined and assessed, - - - - -	5 256
publish description, &c., of same, - - - - -	5 257
certify doings to district clerk, if same worth over, \$100, - - - - -	6 257
proceedings if same worth \$100, or less, - - - - -	8 257
embezzling under salvage act, penalty, - - - - -	13 258
issue search warrant for lost property when, - - - - -	14 258
appraisal of estray by, fees on, - - - - -	4 260
fix pay of finder if he and owner disagree, - - - - -	6 260
appraise lost money or goods, - - - - -	11 261
cause appraisal of estray, - - - - -	16 262
send description of estray, &c., to district clerk, - - - - -	18 262
order sale of estray by auction when; fees, - - - - -	22 262
fix compensation of finder of estray; fee, - - - - -	26 263
fees on report of estray found, - - - - -	27 263
fix compensation for keeping estray, - - - - -	29 263
proceedings before to recover wrecked, &c., property, - - - - -	39 264
duties on trial, - - - - -	40 264
rule of proceeding; appeal, - - - - -	41 263
duties as to unclaimed property, - - - - -	— 266
same, examine and inventory, and order sale of, - - - - -	53 266
same, pay charges, and pay balance to county treasurer, - - - - -	56 266
same, have in also a description of property, - - - - -	56 266
same, his fees, - - - - -	61 266
same, perishable how sell, - - - - -	60 266
members of board of health, - - - - -	1 272
issue warrant to remove nuisance, - - - - -	8 273
two, issue warrant to remove infected person, - - - - -	11 273
subpoena witnesses at plank road, &c., land appraisal, - - - - -	79 291
to be inspectors of turnpikes or plank roads, - - - - -	98 296
when throw open toll-gate on same, - - - - -	98 296
service of notice to open toll-gate, - - - - -	99 296
certificate by to shut gate, - - - - -	99 296
action of when repairs on road needed in next county, - - - - -	100 296
appeal from opening of toll gate by, - - - - -	101 297
fees of on complaint respecting gate, &c., - - - - -	103 297
when and how call meeting of corporation, - - - - -	342 335
complain of unlawful sale of liquors to Indians, - - - - -	3 339
has jurisdiction of prosecution for such sale, - - - - -	4 339
complain of violation of liquor law, - - - - -	21 341
has jurisdiction of such complaint, - - - - -	21 341
penalty for neglect of duty under license law, - - - - -	22 342
jurisdiction of under license law, - - - - -	26 342
in bastardy case take complaint of mother; issue warrant, - - - - -	1 343
same, make examination on return of warrant, - - - - -	2 343
same, may discharge defendant on agreement how, - - - - -	3 343
same, bind over defendant, or commit, when, - - - - -	4 344
same, send up papers to district court, - - - - -	5 344
same, commissioners when apply to examine, - - - - -	11 345
same examination into; warrant, - - - - -	12 345
duty in discovering and punishing trespassers on school land, - - - - -	3 363
same, - - - - -	6 363
jurisdiction of for trespass on school or internal improvement lands, - - - - -	8 363
same, proceedings in, (and next sections), - - - - -	11 364

MINNESOTA STATUTES 1858

GENERAL INDEX.

993

	Sec. Page.
JUSTICE OF THE PEACE, jurisdiction of, change of venue, - - - - -	17 364
same, if no jury, justice hear and decide, - - - - -	26 366
same, appeal from, - - - - -	30 366
same, fees of, - - - - -	34 367
may take acknowledgment of deed, - - - - -	8 398
same, in other state, &c., - - - - -	9 398
proceedings before to compel acknowledgment of deed, - - - - -	16 399
same, - - - - -	17 399
appoint appraisers on estate of deceased, - - - - -	2 437
same, form of order to, - - - - -	3 437
may solemnize marriages, - - - - -	4 460
duties as to same. <i>See under</i> MARRIAGE.	
consent to binding of apprentice when, - - - - -	2 472
issue warrant on complaint, for absconding apprentice, - - - - -	19 473
commit such apprentice how, - - - - -	20 473
warrant for same, authorize travel through any county, - - - - -	21 473
general provisions of law as to, - - - - -	— 498
jurisdiction of, how limited, - - - - -	1 498
keep office where; may issue process where, - - - - -	2 498
not have same office with practicing attorney, when, - - - - -	3 498
law partner not to appear before as attorney, - - - - -	4 498
jurisdiction of; powers of, - - - - -	4 498
jurisdiction of, enumeration of actions under, - - - - -	5 498
same, not to extend to what civil actions, - - - - -	6 498
docket; what entries to be made, - - - - -	7 498
suits before, may be commenced how, - - - - -	8 498
may require security for plaintiff's costs, - - - - -	9 499
process from, to be in what name; how dated, signed, directed, - - - - -	10 499
summons when first process; contents, - - - - -	11 499
officer serving process from, make returns how, - - - - -	12 499
when issue warrant in civil action, - - - - -	13 499
contents of such warrant, - - - - -	14 499
same, how served; how served if justice interested in suit, &c., - - - - -	15 500
defendant how long detained when brought up on warrant, - - - - -	16 500
when empower person not officer to serve process, - - - - -	17 500
officer not executing or making false return to process, penalty, - - - - -	18 500
parties may defend before in person or by attorney, - - - - -	19 500
suit before by infant, to be by next friend; same, how appointed, - - - - -	20 500
defendant may appear in person or by attorney; exception, - - - - -	21 500
if infant defendant, guardian to be appointed, - - - - -	22 500
one hour allowed for appearance, - - - - -	23 501
pleadings before. <i>See under</i> PLEADINGS, - - - - -	— 501
adjournment after pleadings, why and when allowed, - - - - -	37 502
how certify cause to district court if title to land in question, - - - - -	38 502
adjournment after first, when and how allowed, - - - - -	39 502
defendant discharged on adjournment of cause commenced by warrant, - - - - -	40 502
defendant kept in custody unless he recognizes, on adjournment requested by him, - - - - -	41 503
recognizance on one such adjournment, will serve for others, - - - - -	42 503
what plaintiff must prove in suit on such recognizance, - - - - -	43 503
set-off in action before. <i>See</i> SET-OFF, - - - - -	— 503
judgment by when balance due defendant, - - - - -	49 504
witnesses before. <i>See</i> WITNESSES, - - - - -	— 504
depositions before. <i>See</i> DEPOSITIONS, - - - - -	— 504
commissions by, to take testimony. <i>See</i> COMMISSIONS, - - - - -	— 505
jury trial before. <i>See</i> JUROR; JURY; TRIAL BY JURY, - - - - -	— 506
judgments before. <i>See</i> JUDGMENT, - - - - -	— 508
furnish transcript of judgment by confession, when, - - - - -	76 509
when transfer suit to another justice, - - - - -	79 509
judgment by when to be rendered, - - - - -	80 509
execution on judgment by. <i>See</i> EXECUTION.	
furnish certified transcript of judgment, - - - - -	87 510
duties in replevin suit before. <i>See</i> REPLEVIN, - - - - -	— 512
proceedings by attachment before. <i>See</i> ATTACHMENT, - - - - -	— 513
certiorari from. <i>See</i> CERTIORARI, - - - - -	— 515
appeals from. <i>See</i> APPEALS, - - - - -	— 517
proceedings in contempt before. <i>See</i> CONTEMPT, - - - - -	— 519
may commit witness refusing to testify, &c., - - - - -	159 520
same, order of commitment contain what, - - - - -	160 520
same, cause adjourned on such commitment, - - - - -	161 520
process from to be signed by him; may be sealed or not, - - - - -	163 520
same, to contain no blanks when delivered to officer, - - - - -	164 520
vacancy in office of, how filed, - - - - -	165 520
person elected to vacancy qualify when, - - - - -	166 520
may issue execution for costs only, - - - - -	167 520
when enter on duties of office, - - - - -	168 521
elected to legislature, need not act as justice, - - - - -	169 521
dying, or office becoming vacant, nearest justice may take charge of books, &c., - - - - -	170 521

MINNESOTA STATUTES 1858

	Sec. Page.
JUSTICE OF THE PEACE, if such books, &c., withheld, delivery compelled how,	171 521
same, person withholding may be committed,	172 521
failing to pay over money collected, guilty of misdemeanor; forfeit office,	173 521
when may make return to certiorari or appeal, after leaving office,	174 521
courts of, to be public,	175 521
law partner of not to appear as attorney before,	176 521
jurisdiction of, extended to of suits on official securities of constables, &c.,	177 521
forms in civil actions before,	178 522
jurisdiction of in criminal cases,	179 523
hold court for criminal cases when,	180 524
criminal suit, complaint and warrant in,	181 524
same, how entered in docket,	182 524
same, heard and determined when, on return of warrant,	183 524
same, accused give bail or committed,	184 524
same, warrant read to accused; his plea,	185 524
same, justice when try issue,	186 524
same, justice convict accused if plead guilty,	187 524
same, jury in. <i>See</i> JURY,	— 524
same, judgment in if found guilty,	197 525
same, accused discharged if acquitted,	193 525
same, when judgment for costs against complainant,	198 525
same, appeal to district court; recognizance,	199 526
same, justice's return to district court on appeal,	199 526
same, execution on judgment against complainant for costs,	200 526
judgment of, by whom executed,	201 526
penalty for jurors or witnesses not appearing before,	202 526
certify conviction before him,	203 526
file such certificate where,	204 526
such certificate to be evidence of facts therein,	205 526
have jurisdiction of all assaults, batteries, and affrays,	206 526
same, fine for, what,	206 527
same, when issue warrant for on his own knowledge,	207 527
certify breach of recognizance in criminal case,	208 527
proceedings where he has not final jurisdiction,	209 527
summon party injured by assault, &c., and enforce attendance,	210 527
on conviction, enter judgment for fine; how collect same,	211 527
if judgment of affirmed on appeal, costs of both trials taxed to defendant,	212 527
continuing trial, may notify witnesses verbally,	213 527
may require security for costs from complainant,	214 527
receive fines; when pay same to county treasurer,	215 527
if accused committed, sheriff receive and pay over fine,	216 527
person refusing to pay over fine, how prosecuted,	217 528
forms of writs, &c., in criminal cases before,	218 528
examine bail as to sufficiency, how,	115 547
indorse allowance of bail on undertaking,	116 547
what provisions apply to proceedings supplementary to execution of,	135 576
fees of, details as to,	13 589
costs in civil actions before,	14 590
when to tax costs,	15 590
allow no fee for travel of witness, except on oath,	16 590
when allow fee for travel to serve subpoena,	17 590
tax but two witnesses to one fact,	18 590
not allow fees for copies, &c., unless issued on trial,	19 590
not allow disbursements unless proved and reasonable,	20 590
hear evidence to prove charge unreasonable, &c.,	21 590
return of officer to writ, <i>prima facie</i> evidence of its own correctness,	22 591
may require constable to attend cause; how tax for same,	23 591
action removed first from to district court,	47 630
have jurisdiction in case of forcible entry and detainer,	2 649
same, his proceedings in the case. <i>See</i> FORCIBLE ENTRY, &c.,	— 649
try cases of holding over after lease expired; proceedings,	12 651
contempts before; punishable how,	2 663
duties respecting depositions. <i>See</i> DEPOSITIONS.	
exemplifications of judgments of in other states, how evidence,	59 682
docket of, evidence how in cases before,	81 686
transcript of judgment of evidence in courts of county,	82 687
same, when clerk of district court to certify,	83 687
proceedings in cause before, not in writing, how proved,	84 686
depositions taken out of state to use before, how taken,	87 686
have concurrent jurisdiction of larcenies when,	16 710
same, of cases of buying, &c., stolen goods,	13 710
jurisdiction of in cases of injury to trees, fences, landmarks, &c.,	46 715
same, of injuries to trees, minerals, &c.,	43 715
penalty for refusing to assist to arrest, &c.,	17 721
falsely assuming to be, penalty,	18 721
jurisdiction of over certain offenses against chastity, morality, &c.,	22 730
hear and decide complaint for disturbing religious meeting,	24 731

MINNESOTA STATUTES 1858

GENERAL INDEX.

995

	Sec. Page.
JUSTICES OF THE PEACE; have jurisdiction over what suits for fines, &c., authority and duty in proceedings to prevent crime. See RECOGNIZANCE TO KEEP THE PEACE.	12 735
may issue process respecting examination of offenders, proceedings before on same. See EXAMINATION OF OFFENDERS,	1 745
appeal from in criminal case. See APPEAL.	7 745
have concurrent jurisdiction in cases of unlawfully taking saw logs, action for unlawfully taking logs from boom before,	2 825
same, for maintaining boom without sluice, &c.,	8 828
JUSTIFIABLE HOMICIDE; what, (and next section,)	16 827
verdict of not guilty on,	4 702
	7 703
JUVENILE PRISONERS; how to be kept,	35 792
KANABEC COUNTY, created from Pine county, March 13, 1858,	216 105
governor to appoint commissioners of,	217 105
voters of Pine county to vote on creation of,	218 105
Brunswick to be county seat of,	216 105
attached to Chiago for judicial purposes,	49 485
KANDYOHI COUNTY; created, bounded, March 20, 1858,	226 106
Kandyohi to be county seat of,	227 106
in twentieth representative district for election purposes,	229 106
counties altered by creating, to vote on,	228 106
KEEPER OF JAIL, &c. See JAILOR.	
KILLING CATTLE, &c., maliciously, penalty,	39 714
KILLING HUMAN BEING, to be murder, manslaughter, or excusable, &c., homicide, when murder, &c. See MURDER; MANSLAUGHTER; EXCUSABLE HOMICIDE; JUSTIFIABLE HOMICIDE.	1 702
KINDRED; degrees of how computed,	4 413
of half blood, how inherit,	4 413
LABOR, &c., on Sunday, prohibited; penalty,	19 730
act regulating hours of,	— 831
hours of for women or children in factories, &c.,	1 831
penalty for violation of rule by overseer, &c.,	1 831
ten hours a day's work, if no agreement,	2 832
fines under act as to, for use of schools,	3 832
LABORERS LIENS. See MECHANICS' LIENS.	
LAKE COUNTY; created and bounded, act of March 1, 1856,	139 94
attached to Benton county for judicial purposes,	142 95
LAND. See CEMETERY ASSOCIATION; CONVEYANCE; DEED; ESTATE IN LANDS; FENCES; FENCE VIEWERS; FORCIBLE ENTRY, &c.; LEASE; POWERS; PRE-EMPTION; PUBLIC LANDS; REAL ESTATE; RENT; ROADS; TAX DEED; TAX SALE; TAXES; TITLE TO LAND; TRUSTEES; TRUSTS; UNITED STATES LAND; USES AND TRUSTS.	
word, how construed,	2 114
same,	6 459
improvements on assessed as personal property,	113 172
towns may purchase and hold,	10 180
conveyance of to towns, how to be made,	12 180
of town, when partition of,	81 192
where assessed,	124 199
how assessed,	132 200
of non-resident, assessment corrected,	135 200
owned by one and occupied by another, how assessed,	5 230
unoccupied, how assessed,	6 230
assessed, when boundaries to be given,	19 232
same, what description sufficient,	20 232
same, how entered in assessment roll,	21 232
sale of for taxes. See TAX SALE; REDEMPTION OF LANDS, ETC.	
sold for taxes, how set off,	75 240
of minors, idiots, married women, insane, how redeemable,	88 242
taxes and tax charges a lien on,	98 243
conveyed; which party to pay taxes if no agreement,	112 245
of cemetery association, exempt from taxes and execution,	54 286
of same, how alienable,	55 286
plank road or turnpike company, may take,	69 289
same, may purchase or take by gift,	70 289
same, how appraise same for road, (and following sections,)	72 290
railroad company may enter to survey,	251 321
same, how obtain for right of way,	256 322
future rents and profits of, ruler of law as to disposition of,	36 380
same, accumulation of, how may be directed by will or deed,	37 380
same, other directions as to accumulation of, void,	38 380
same, when and how may be used in support, &c., of infants entitled to expectant estate,	39 380
same, who entitled to accumulated if suspense of power of alienation,	40 381
all estates in to be legal rights, cognizable in courts of law,	1 382
records as to how transcribed for new county,	83 401
aliens may acquire, hold, convey, &c.,	85 411
sale of by guardian. See under GUARDIAN.	

owner of buildings on land may remove in certain cases

Chap. 113

h 8

1864

Lands donated to the State for agricultural purposes were sold. Act of March 23, 1865

MINNESOTA STATUTES 1858

996

GENERAL INDEX.

	Sec. Page.
LAND, lien for labor performed on, - - - - -	32 698
LAND DRAINAGE COMPANIES, act as to, - - - - -	— 843
may be incorporated; powers of, - - - - -	3 843
file copy of charter and declaration of intention, - - - - -	4 843
how notify intention of commencing work, - - - - -	4 843
how may survey and open drains, - - - - -	5 843
how assess and collect benefits; limit of size of works, - - - - -	5 844
owners of lands may aid in works of, on what terms, - - - - -	6 844
same, may make lateral drains, - - - - -	7 844
may lead drains, &c., to street or lake, - - - - -	8 844
not draw down nor overflow waters without license, - - - - -	8 844
may acquire what right of way; by what consent, - - - - -	9 844
may create and sell water power, - - - - -	10 845
damages by how recovered, - - - - -	11 845
same, to be determined by jury in court of record, - - - - -	12 845
same, exemplary or vindictive not allowed, - - - - -	13 845
same, extra costs may go with, - - - - -	13 845
judgments against a lien on company's property, - - - - -	14 845
same, what rights acquired by payment of, - - - - -	15 845
other companies not to interfere with operations of, - - - - -	16 845
owners may drain lands drained by, as he might otherwise do, - - - - -	16 845
act as to public and general; legislature may amend it, - - - - -	17 846
LAND GRANT RAILROADS, act as to, - - - - -	— 839
shall provide for payment of state bonds issued to them, - - - - -	18 839
same, by means of transfer of equal sum of their own bonds, - - - - -	18 839
claiming or receiving state aid, make what provision, - - - - -	18 839
if default in payment on railroad bonds, governor provide for same, - - - - -	19 839
same, governor to sell bonds and land, or foreclose mortgage, to indemnify state, - - - - -	19 839
same, how advertise and sell bonds, - - - - -	20 840
same, governor how sell and convey lands; effect of conveyance, - - - - -	21 840
same, how company may prevent such sale, &c., - - - - -	21 840
same, mortgage how foreclosed; rights of parties taking under foreclosure, - - - - -	22 840
same, parties taking under foreclosure may reorganize, - - - - -	23 840
entitled to loan, governor may cause to be examined how, - - - - -	24 841
LANDMARKS, &c., malicious injury to, penalty, - - - - -	44 714
LARCENY, in dwelling house, &c., or breaking in and stealing, penalty, - - - - -	13 710
same, from the person, penalty, - - - - -	14 710
simple, penalty, - - - - -	15 710
justice to have concurrent jurisdiction over, - - - - -	16 710
one personating another, to receive money, &c., guilty of, - - - - -	32 713
LASCIVIOUS CONDUCT, penalty, - - - - -	4 728
LAW, general, to be published before taking effect, - - - - -	3 115
LAWS. <i>See</i> STATUTES.	
compilation of 1858, who commissioners for, duties, - - - - -	28 118
their duties, - - - - -	28 118
who to compile if they decline, - - - - -	30 118
supervised by governor and judges of supreme court, - - - - -	31 118
style of, notes, index, - - - - -	31 118
copyright of guaranteed to publisher, - - - - -	32 118
state to have copies, in return for guarantee, - - - - -	32 118
publisher of, how to give bond, - - - - -	33 119
printing of, style and standard, - - - - -	1 267
annual, to be indexed, - - - - -	6 269
what official copies of, - - - - -	9 269
general, how far applicable to villages, - - - - -	187 310
as to villages, villages may adopt parts of how, - - - - -	192 311
same, adopted, how to be published, - - - - -	193 311
relating to courts, fees, &c., certain re-enacted, - - - - -	55 486
LE SUEUR COUNTY, bounded, act of March 5, 1853, - - - - -	32 79
an organized county, - - - - -	40 80
governor to appoint justices, constables and officers of, - - - - -	40 80
boundaries, act of February 20, 1855, - - - - -	71 85
part of Sibley county annexed to, February 18, 1856, - - - - -	100 89
LEASE. <i>See</i> LAND; RENT.	
power of tenant for life as to, - - - - -	15 392
same, - - - - -	16 392
at will, what notice to quit if rent unpaid, - - - - -	34 411
for more than a year must be in writing, - - - - -	8 457
action on, may be for possession of property, - - - - -	14 596
if plaintiff recovers in same, how lessee may regain possession, - - - - -	14 596
of house of ill-fame, voidable, - - - - -	16 729
LEGACY. <i>See</i> WILL.	
sale of real estate to pay, when, - - - - -	26 420
to witness of will, when void, - - - - -	8 426
same, when valid, - - - - -	9 426
LEGATEE. <i>See</i> WILL.	
when liable to contribution for debts of deceased, - - - - -	53 446

MINNESOTA STATUTES 1858

GENERAL INDEX.

997

	Sec. Page.
LEGATEE, same, when according to will, - - - - -	54 446
dying without paying contribution, estate of liable for, - - - - -	57 447
paying more than his share of same, may compel others to contribute, - - - - -	58 447
partition of share of estate to. <i>See</i> PARTITION AND DISTRIBUTION OF ESTATES.	
liable to action by creditor of deceased, for value of legacy, - - - - -	14 611
joint, costs in action against, how apportioned, - - - - -	15 611
joint, what payment exonerates, - - - - -	16 611
liabilities of as to debts of testator. <i>See</i> DEBTS OF DECEASED PERSONS.	
<i>See</i> COUNCIL; HOUSE OF REPRESENTATIVES; SENATE.	
LEGISLATURE. Rights, duties, &c., of (and following sections,)	1 119
members of when exempt from arrest on civil process, - - - - -	1 119
when may punish for contempt, - - - - -	2 120
contempt of, a misdemeanor; penalty, - - - - -	3 120
who may administer oath to members, - - - - -	4 120
when may administer oath as member of committee, - - - - -	5 120
each house to determine its contested seats, - - - - -	6 120
pay of officers of, - - - - -	14 121
elections to, provisions for, (and following sections,) - - - - -	16 121
to assemble annually on December 1st, - - - - -	17 122
provisions for organizing, (and following sections,) - - - - -	21 122
extra session, how convened, - - - - -	9 125
may require and examine governor's letter-books, - - - - -	12 126
may require and examine auditor's accounts, - - - - -	30 128
may require additional security from state treasurer, - - - - -	52 130
may inspect treasurer's accounts at any time, - - - - -	58 130
may have legal advice from attorney general, - - - - -	78 132
members of when chosen, - - - - -	1 139
certificate of election to, how given, - - - - -	31 143
tie at election to, proceedings, - - - - -	31 143
member may resign, - - - - -	35 144
vacancy in, special election for, - - - - -	35 144
same, - - - - -	37 145
certificate where two, &c., counties in one district, - - - - -	36 145
vacancy in for county afterwards divided; proceedings, - - - - -	39 145
act as to election of United States senator by, - - - - -	— 147
remove public printer how, - - - - -	6 268
elect successor to same, - - - - -	6 268
printing for, how done, contracted for, - - - - -	7 268
visitation of plank road or turnpike company by, - - - - -	113 298
make regulations, fix toll, annual existence, &c., of same, - - - - -	114 298
annual franchise of gas company for misconduct, - - - - -	220 315
may alter or repeal act as to manufacturing, &c., corporation, - - - - -	283 327
powers of as to examining condition of corporations, - - - - -	360 337
elect regents of university, - - - - -	4 350
same, how elected and classified, - - - - -	5 350
approve salaries of instructors in university, - - - - -	9 351
appoint to normal board, after first appointment, - - - - -	33 354
fill vacancies in same, - - - - -	33 354
make necessary appropriations for deaf and dumb asylum, - - - - -	53 356
justice becoming member of, may act or not, - - - - -	169 521
no fee for administering oath to member of, - - - - -	46 594
elect surveyors-general of lumber, - - - - -	191 828
LETTERS OF ADMINISTRATION, when granted on probate of foreign will, - - - - -	25 428
<i>See under</i> ADMINISTRATOR; INTESTATE ESTATE.	
LETTER OF ATTORNEY, not a conveyance, - - - - -	31 400
if recorded, has effect of a conveyance, - - - - -	31 400
same, - - - - -	40 402
same, revocable how, - - - - -	32 401
not invalid because only one witness, - - - - -	41 402
to be recorded on what affidavit, - - - - -	42 402
joint by husband and wife, she acknowledge how, - - - - -	44 402
LETTERS TESTAMENTARY, when granted on probate of foreign will, - - - - -	25 428
same, - - - - -	1 431
<i>See under</i> EXECUTOR.	
LEWD OF EXECUTION. <i>See under</i> EXECUTION.	
LEWD CONDUCT, penalty, - - - - -	4 728
LIABILITY. <i>See</i> INDIVIDUAL LIABILITY.	
LIBEL, pleadings in action for, - - - - -	84 543
in prosecutions for, truth may be given in evidence, - - - - -	6 734
form of indictment for, - - - - -	3 759
indictment for to show what, - - - - -	17 760
LIBRARIAN. <i>See</i> STATE LIBRARIAN.	
of board of regents of university, appointment, - - - - -	8 350
of school district, who to be; duties, - - - - -	65 359
LIBRARY. <i>See</i> STATE LIBRARY; PUBLIC LIBRARY.	
incorporation, &c., of. <i>See</i> EDUCATIONAL AND CHARITABLE INSTITUTIONS.	
of school district, annual tax for, - - - - -	64 358

murder
members
of
apportionment
of
Legislative
Chap. 73
Ch. 256
1860
Printing
according
to
Chap. 40
Ch. 154
1861

MINNESOTA STATUTES 1858

998

GENERAL INDEX.

	Sec. Page.
LICENSE OF FERRIES. <i>See</i> FERRIES.	
for groceries, county commissioners to grant,	5 154
county treasurer to receive payments for,	45 160
for sale of spirituous or malt liquors, who to grant,	15 340
same, fee for; bond on,	16 340
same, when to expire; not to be retrospective,	17 341
same, supervisors may revoke,	19 341
same, sale without, penalty for,	20 341
same, list of to be delivered to grand-jury,	24 342
same, towns may vote on giving,	28 342
of public shows and exhibitions, county commissioners grant,	1 346
same, when county treasurer grant,	2 346
same, penalty for exhibiting without,	2 346
same, in cities and villages,	3 346
same, twenty-five per cent. of fees for, set apart for schools,	61 367
to guardians to sell estate. <i>See under</i> GUARDIAN.	
to executor, &c., to sell estate. <i>See under</i> EXECUTOR OR ADMINISTRATOR.	
LIEN. <i>See</i> CREDITORS; MECHANICS' LIENS.	
taxes and tax charges to be on land,	98 248
person having on land, may pay taxes, &c.,	101 244
on railroad property, unchanged by consolidation,	265 324
when manufacturing or mining companies cannot give,	270 325
premium notes of mutual insurance company, how to be on real estate,	352 334
on lands, given by power when,	35 394
on real estate, judgment by confession, how to be,	77 509
same, transcript of justice's judgment, how to be,	88 510
same, judgment becomes, by being docketed,	76 566
same, such judgment extends to what,	77 566
on share of property; when and how a change after partition,	5 598
proceedings as to creditors having, in partition. <i>See</i> PARTITION OF REAL PROPERTY.	
on shares of land partitioned, costs of partition to be,	54 604
attorney has what for compensation,	16 668
if attorney claims, on client's money or papers, proceedings,	18 668
on logs and lumber, surveyor-general when record,	34 830
on works, &c., of land drainage company, judgment against them to be,	14 845
LIEUTENANT-GOVERNOR, to fill vacancy in governorship,	10 126
<i>Ex-officio</i> visitor of deaf and dumb asylum,	57 367
LIFE, estate for. <i>See</i> ESTATE FOR LIFE.	
tenant for. <i>See</i> TENANT FOR LIFE.	
LIMITATION OF ACTIONS, on constable's bond,	41 185
for land sold for taxes,	105 244
on individual liability of manufacturing stock holders, &c.,	279 326
for trespass on school or internal improvement lands,	10 364
for injury to trees, gardens, fences, &c.,	5 368
for estate sold by guardian, exception,	22 416
for estate sold by executor, administrator or guardian,	50 423
same, exception by disability or absence,	51 424
by apprentice against master,	17 473
against sureties on guardian's bond,	24 470
general rules as to,	3 532
for real property, within twenty years of possession,	4 532
on judgment, &c., of court, within ten years,	5 532
within six years, what actions,	6 532
within three years, what,	7 533
within two years, what,	8 533
within one year, what,	9 533
how calculated, where action on current account,	10 533
on statute for penalty given to informer,	11 533
for relief not before provided for,	12 533
actions in name of United States subject to,	13 533
what disabilities exempt from rule of,	17 533
to personal representatives of deceased party,	18 534
time of war not part of to alien,	19 534
time during which action stayed by injunction or statutory prohibition, not part of,	20 534
disability not to exempt from, when,	21 524
does not run until all disabilities removed,	22 534
promise, &c., to free case from, must be in writing,	23 532
runs from time of last payment on contract,	24 534
of new action after judgment reversed or arrested,	25 534
chapter on, applies how,	26 534
for mechanics' lien,	1 663
same,	17 696
LIMITATION of chattels real, how laws as to future estates applied to,	23 379
of estates. <i>See under names of</i> ESTATES.	
of time within which act to be done, how computed,	42 630
LIMITED PARTNERSHIP, act as to,	— 832
who may form; not to do banking,	1 832
consist of general and special partners; their liabilities,	2 833

MINNESOTA STATUTES 1858

GENERAL INDEX.

999

	Sec. Page.
LIMITED PARTNERSHIP , general partners transact business, and bind the firm, - - - - -	3 833
certificate of partnership, contents of, - - - - -	4 833
same, how acknowledged and proved, - - - - -	5 833
same, how filed and recorded, - - - - -	6 833
same, affidavit of some general partner to accompany, - - - - -	7 833
void until provisions as to certificates complied with, - - - - -	8 833
publication of terms of, - - - - -	9 833
same, affidavits of, - - - - -	10 834
certificate, affidavit and notice of renewal or continuance of, - - - - -	11 834
dissolution, by alteration in what respects, - - - - -	12 834
business conducted under what firm, - - - - -	13 834
suits as to, how brought, - - - - -	14 834
capital stock not to be reduced, &c., - - - - -	15 834
same, deficit in how made good, - - - - -	16 834
special partners may examine and advise how, - - - - -	17 834
general partners, liability of, - - - - -	18 834
frauds by partners, penalty, - - - - -	19 834
sale, &c., in contemplation of insolvency, void, - - - - -	20 834
same by individual partner, when void, - - - - -	21 835
special partner, how liable as general partner, - - - - -	22 835
if insolvent, when special partner may claim as creditor, - - - - -	23 835
dissolution before time originally specified, how notified, - - - - -	24 835
LIQUOR. See LICENSE; SPIRITUOUS LIQUOR.	
LIST OF INHABITANTS , assessor to make, - - - - -	119 173
liable to military duty, same, - - - - -	119 173
those liable to highway labor, when made, - - - - -	158 206
same, use of, - - - - -	164 207
same, highway overseers to amend, - - - - -	166 208
LITERARY INSTITUTIONS. See EDUCATIONAL AND CHARITABLE SOCIETIES; CORPORATIONS NOT PECUNIARY.	
how exempt from taxation, - - - - -	4 230
LOAN. See STATE LOAN.	
regents of university may negotiate, of fifteen thousand dollars for building, - - - - -	21 352
same, mortgage lands for security, - - - - -	22 352
same, how negotiate, - - - - -	23 352
same, use proceeds only for building, - - - - -	24 352
same, may issue bonds for, of forty thousand dollars, - - - - -	26 353
same, mortgage lands to secure, - - - - -	27 353
same, how negotiate, - - - - -	28 353
to land grant railroads. See LAND GRANT RAILROADS.	
LOGS AND LUMBER. See SAW LOGS; TREES.	
not subject to provisions of salvage act, - - - - -	10 258
but subject, if broken adrift and liable to injury, - - - - -	10 258
not subject to law as to estrays and articles adrift, - - - - -	45 265
lien for labor done on, - - - - -	32 698
logs, floating or lodged, penalty for moving or injuring, - - - - -	1 825
same, justices of peace have jurisdiction as to, - - - - -	2 825
same, arrest for, where permitted, - - - - -	3 826
same, purchasing or secreting, penalty; exception, - - - - -	4 826
same, penalty on surveyor for scaling, - - - - -	5 826
removing from boom before delivered, - - - - -	7 826
same, penalty for; given to schools, - - - - -	8 826
same, act applies only to St. Croix river, - - - - -	9 827
Cannon river a highway for passage of, - - - - -	11 827
same, dams on to have sluice or lock for same, - - - - -	12 827
all rivers sufficient for passage of, public highways, - - - - -	14 827
same, dams and booms on to have sluice, &c., for passage of, - - - - -	15 827
same, dams or booms not having sluice, an abateable nuisance, - - - - -	16 827
same, penalty for maintaining such dam or boom; how recovered; given to schools, - - - - -	16 827
act regulating traffic in, - - - - -	— 828
districts for survey of, created, - - - - -	18 828
same, boundaries of, - - - - -	19 828
same, legislature elect surveyors-general of, qualifications, - - - - -	20 828
surveyor-general, term of office of, - - - - -	20 828
same, offices where, - - - - -	21 828
same, oath and bond of, - - - - -	22 828
same, bond and oath where deposited; action on bond, - - - - -	23 828
same, and deputies, how survey logs and lumber, and make out and record bill, - - - - -	24 829
same, how allow for defects in logs, &c., in survey, - - - - -	25 829
same, keep written scale in office; Scribner's rule adopted, - - - - -	26 829
same, proviso as to mode of survey, - - - - -	26 829
same, survey logs running out of booms, and make out and record bills how, - - - - -	27 829
same, may survey without his own district, - - - - -	28 829
same, appoint deputies; responsible for them, - - - - -	29 829
same, when place and give preference to purchaser's scale mark, - - - - -	30 829
same, fees of, for sealing and surveying, - - - - -	31 829
same, books of open to inspection, - - - - -	32 830

Chap 50
h 193
1861

As to surveying logs Chap 65 p 123 1864
59 h 12 1865
lien of lumberman Chap 19 p 165 1865

MINNESOTA STATUTES 1858

1000

GENERAL INDEX.

	Sec. Page.
LOGS AND LUMBER , same, furnish duplicate scale bills, &c., fee for same, - - - - -	32 830
same, make annual report to legislature of lumber surveyed, - - - - -	33 830
same, record mortgages, liens, &c., affecting logs in his district when, - - - - -	34 830
same, marks on logs, &c., to be recorded in office of, - - - - -	35 830
same, keep record of orders for sealing, - - - - -	36 830
same, certificate of evidence as to ownership of logs, &c., - - - - -	37 830
same, scale no logs unless marks recorded, - - - - -	38 830
same, no survey of logs except by, or deputy of received by court, - - - - -	38 830
in side-boom, not authorized by owner, how turned out, - - - - -	39 831
lodged, in river, slough, or in land, penalty for defacing marks on; action against, - - - - -	40 831
LOST INSTRUMENTS , proof of loss how rebutted, - - - - -	73 684
how party may recover on, - - - - -	74 684
same, what bond required, - - - - -	75 684
LOST MONEY AND GOODS , when notice of finding, - - - - -	10 261
when notice printed, and appraisal, - - - - -	11 261
when owner to have restitution, - - - - -	12 261
if owner not found, disposal, - - - - -	13 261
penalty for not notifying finding, - - - - -	14 261
LOST PROPERTY. See PROPERTY ADRIPT; SALVAGE; LOST MONEY AND GOODS.	
LOTS. See TOWN PLOTS.	
LOTTERY , provisions as to, - - - - -	— 725
setting up, promoting, &c., penalty, - - - - -	1 725
selling or aiding to sell tickets, penalty, - - - - -	2 725
second offense of promoting or selling tickets, penalty, - - - - -	3 725
advertising tickets for sale, or enticing to buy, penalty, - - - - -	4 725
making or selling tickets in fictitious, &c., penalty, - - - - -	5 725
same, defendant must prove tickets genuine, - - - - -	6 725
prizes in forfeited to territory, - - - - -	7 725
LUNATICS. See INSANE. <i>See also 54212.1865</i>	
LYCEUM , incorporation, &c., of. See EDUCATIONAL AND CHARITABLE SOCIETIES; CORPORATIONS NOT PECUNIARY.	
MAIL. See UNITED STATES MAIL.	
MAIMING , disfiguring or poisoning, &c., cattle, penalty, - - - - -	39 714
MAIMING OR DISFIGURING PERSON , penalty for, - - - - -	30 705
assault with intent to commit same, - - - - -	31 705
MAJORITY ; required to elect officers of legislature, - - - - -	31 123
required to elect in all cases, unless otherwise provided, - - - - -	46 146
to decide vote at town meeting, - - - - -	19 182
of three referees may act, if all meet, - - - - -	41 630
MALT LIQUORS. See SPIRITUOUS LIQUORS.	
MALT LIQUORS , license for sale of, - - - - -	16 340
MANDAMUS , costs on, how awarded, - - - - -	23 580
from supreme court, issues of fact on, where tried, - - - - -	12 633
peremptory, fine for disobedience to, - - - - -	16 633
district courts have what jurisdiction in, - - - - -	17 633
MANOMIN COUNTY , set off from Ramsey, May 23, 1857, - - - - -	196 102
organized; Manomin county seat of, - - - - -	197 102
governor to appoint commissioners; their duty, - - - - -	198 102
governor to appoint county officers for, - - - - -	199 102
attached to St. Louis county for judicial purposes, - - - - -	49 485
MANSLAUGHTER , coroner may bind over witnesses as to, - - - - -	107 170
killing human being when to be, - - - - -	3 702
on trial for, when verdict of not guilty, - - - - -	7 703
in first degree, what, (and next section,) - - - - -	9 703
in second degree, what, (and next sections,) - - - - -	11 703
in third degree, what, (and next sections,) - - - - -	14 704
in fourth degree, what, (and next section,) - - - - -	20 704
penalty for first, second and third degrees, - - - - -	22 704
same, for fourth degree, - - - - -	23 705
forms of indictment for, - - - - -	3 756
MANUAL LABOR. See LABOR, hours of.	
MANUFACTURING CAPITAL AND MACHINERY , assessed how, - - - - -	10 231
MANUFACTURING, MINING AND OTHER COMPANIES , act respecting, - - - - -	— 325
formation of; certificate; how made and acknowledged, - - - - -	268 325
certificate how recorded; copy filed, - - - - -	269 325
corporate powers on such recording, - - - - -	270 325
directors, their number, powers, election, - - - - -	271 325
election of directors; notice of; mode of, - - - - -	272 325
votes to be one on each share, and by ballot, - - - - -	273 325
if no election, corporation not dissolved, - - - - -	274 325
dissolved if no officers elected during more than three years, - - - - -	274 326
powers of directors, - - - - -	275 326
installments on stock, how called in; sales of stock for non-payment thereof, - - - - -	276 326
action for amount due on stock, - - - - -	276 326
stock to be personal estate; transferable how, - - - - -	277 326
stockholders individually liable for wages of employees, - - - - -	278 326
same, for debts of company; limitation of action, - - - - -	279 326

MINNESOTA STATUTES 1858

GENERAL INDEX.

1001

	Sec.	Page.
MANUFACTURING, MINING AND OTHER COMPANIES, what ownership renders so liable,	260	327
executors, &c., holding, may vote on, - - - - -	281	327
stock to be paid in money; no loans to stockholders, - - - - -	282	327
legislature may modify or repeal laws as to, - - - - -	283	327
such action not relieve corporation, &c., from incurred liabilities, - - - - -	283	327
capital how increased or diminished, - - - - -	284	327
notice of meeting to adopt laws as to, or act as to stock, or modify business, - - - - -	285	327
same, proceedings at meeting, - - - - -	286	327
record of stockholders and transfer of shares, - - - - -	287	328
same, to be accessible; to be evidence, - - - - -	287	328
same, penalty for concealing, or neglecting entries in, - - - - -	287	328
prohibited from banking, - - - - -	288	328
MARK, when admissible instead of signature,	2	114
MARKER. See COUNTY SURVEYOR.		
MARKETS, village trustees may regulate,	138	302
MARKS AND BRANDS OF ANIMALS, law as to,	—	348
register to record description of, - - - - -	1	348
penalty for using those of another person, - - - - -	2	348
same, for altering or destroying those of another, - - - - -	3	348
MARRIAGE. See DIVORCE; HUSBAND; HUSBAND AND WIFE; MARRIED WOMAN; WIFE.		
provisions as to, - - - - -	—	460
a civil contract, - - - - -	1	460
who may contract, - - - - -	2	460
who may not contract, - - - - -	3	460
judge, justice or clergyman may solemnize, - - - - -	4	460
clergymen file credentials before solemnizing, - - - - -	5	460
person solemnizing examine party on oath as to legality, - - - - -	6	460
of minor, when parent or guardian must consent to, - - - - -	7	460
no particular form, declaration of parties; witnesses, - - - - -	8	461
person solemnizing, deliver to parties certificates of; contents, - - - - -	9	461
same, record marriage; certificate for clerk of court, - - - - -	10	461
same, clerk how record such certificate; his fees, - - - - -	11	461
same, fine for neglect to deliver such certificate, - - - - -	12	461
same, penalty for unlawfully solemnizing; or false certificate, - - - - -	13	461
penalty for solemnizing by unauthorized person, or if impediment, when not void if by unauthorized person, - - - - -	15	461
among Friends or Quakers, valid; certificate of, - - - - -	16	461
certificate and record of, when evidence, - - - - -	17	462
legitimizes illegitimate children of parties, - - - - -	18	462
same, on recognition by father, - - - - -	28	466
when may be contracted by consent of parties only; certificate, - - - - -	19	462
what void without divorce or legal proceedings, - - - - -	1	462
what void after nullity declared by court, - - - - -	2	463
suit to annul, how brought; proceedings, - - - - -	3	463
proceedings to affirm, how and when brought, - - - - -	4	463
when not to be adjudged null, (and next section), - - - - -	5	463
wife to have dower on dissolution of, how, - - - - -	24	466
between parties divorced from each other, decrees, &c., may be revoked, - - - - -	29	466
parties divorced from each other cohabiting without, liable for adultery, - - - - -	30	466
dissolved as to both parties by decree of divorce, - - - - -	31	466
of ward, terminates duties of guardian, - - - - -	21	463
MARRIED WOMAN. See ESTATE IN DOWER; HUSBAND; HUSBAND AND WIFE; WIFE.		
lands of sold for taxes when redeemable, - - - - -	88	242
not liable in suit to compel support of pauper relative, - - - - -	2	270
agent for on appraisal of lands for road, - - - - -	76	291
may have general and beneficial power to dispose of land without consent of husband, how, - - - - -	8	392
may have special and beneficial power without same, when, - - - - -	15	392
when may execute power without husband's consent, - - - - -	38	394
minor, power granted to not exercised until majority, - - - - -	38	394
how acknowledges grant in execution of power, - - - - -	44	395
may create what estate under power to dispose of estate in fee, - - - - -	57	396
resident in state, joining with husband in conveying real estate, how acknowledge, - - - - -	12	398
not resident in state, so joining, how acknowledge, - - - - -	13	398
bar right of dower, how. <i>See under ESTATE IN DOWER.</i>		
may make, revoke or alter will, by consent of husband, - - - - -	1	425
ceases to be executrix, - - - - -	8	432
ceases to be administratrix, - - - - -	13	435
how far exempt from limitation law, - - - - -	17	534
when husband joined with in actions, - - - - -	30	535
when sue or be sued by next friend or guardian, - - - - -	30	535
when consent of husband necessary to sale of her real and personal estate by, separated or divorced, when not to remove such estate without his consent, - - - - -	106	571
district court decide cases as to property of, - - - - -	107	572
dying without disposing of real estate, husband has estate by the curtesy in it, - - - - -	108	572
having inchoate right of dower, proceedings as to same if partition of property, - - - - -	36	602
same, she may release it to husband; effect thereof, - - - - -	37	602

-ct resolving
number of
bl. p. 45
h 9!
1855

MINNESOTA STATUTES 1858

1002

GENERAL INDEX.

	Sec. Page.
MARRIED WOMAN, when material witness, who may recognize for, - - - - -	21 747
MARSHAL OF TERRITORY, to canvass vote for member of congress, - - - - -	33 144
MARSHAL OF VILLAGE, how chosen, - - - - -	134 301
bond of, - - - - -	161 307
compensation of, - - - - -	162 307
notify time and place of payment of village tax, - - - - -	163 307
collect same by distress and sale when, - - - - -	164 307
pay over money; return on warrant, - - - - -	165 307
duties and powers of, - - - - -	182 310
MARTIN COUNTY, created and bounded, May 23, 1857, - - - - -	181 100
organized; in third judicial and tenth council districts, - - - - -	186 100
governor to appoint commissioners of; duties, - - - - -	191 101
Fairmount temporary county seat of, - - - - -	192 101
meeting of commissioners of, - - - - -	193 101
MASCULINE GENDER, word in, may mean feminine, - - - - -	2 114
MASTER, and apprentice, laws as to, - - - - -	— 471
obligations of as to education, &c., of minor, (and next section,) - - - - -	8 472
money paid by, to be for use of apprentice, - - - - -	10 472
complaint against for ill-treatment of apprentice, who may make, - - - - -	12 472
same, proceedings and decree on, - - - - -	13 472
liable for breach of indenture; action how brought, - - - - -	15 473
have warrant to return runaway apprentice, - - - - -	19 473
pay costs on proceeding against apprentice when, - - - - -	22 473
complaint against apprentice for misconduct, in probate court; proceedings, - - - - -	23 473
same, when discharged from indentures on, - - - - -	24 473
not to agree with apprentice not to set up trade, &c., - - - - -	25 474
MASTER IN CHANCERY. <i>See under MORTGAGE.</i>	
may take acknowledgment of deeds in other states, &c., - - - - -	9 398
referee to act instead of, - - - - -	28 481
MATERIAL ALLEGATION, defined, - - - - -	89 543
not denied, to be taken as true, - - - - -	88 543
MAYOR OF CITY, in board of health, - - - - -	1 272
duties therein. <i>See BOARD OF HEALTH.</i>	
MCLEOD COUNTY, created, boundaries, March 1, 1857, - - - - -	135 93
organized, governor to appoint county officers, - - - - -	136 94
county seat of at Glencoe, - - - - -	137 94
MEASURE OF DAMAGES. <i>See DAMAGES.</i>	
MEASUREMENT OF LUMBER. <i>See LOGS AND LUMBER.</i>	
MEASURES. <i>SEE WEIGHTS AND MEASURES.</i>	
MECHANICS, &c., employed on house, may finish it how far if owner does not, - - - - -	29 698
MECHANICS' LIENS. <i>See LIENS.</i>	
provisions as to, - - - - -	— 693
complaint against owner, on claim for work on lands, &c., allege what; when become lien, - - - - -	1 693
same, allege what where work done for contractor, - - - - -	2 693
same, in same case, how far lien on owner, - - - - -	2 693
same, summons and notice of, - - - - -	3 693
by filing complaint, effect of, - - - - -	4 694
district court has jurisdiction of cases as to, - - - - -	5 694
satisfaction of, where entered; effect of entry, - - - - -	6 694
same, penalty for refusal to enter, - - - - -	7 694
judgment in suit on, to be what, - - - - -	8 694
on personal property; person having may sell how, - - - - -	9 694
same, common carrier to have, - - - - -	10 695
all laws on, before March 3, 1855, repealed, - - - - -	11 695
act of March 20, 1858, on, - - - - -	— 695
on building and land, - - - - -	14 695
same, exist only sixty days unless certificate filed, - - - - -	15 695
same, such certificate state what, - - - - -	15 695
same, action under to be commenced when, - - - - -	15 696
same, if satisfied, certificate thereof to be filed, - - - - -	16 696
same, penalty for not filing such certificate, - - - - -	16 696
same, district court has jurisdiction of, - - - - -	17 696
same, executors, &c., have same right as to, as testator, &c., - - - - -	18 696
act of August 12, 1858, as to, - - - - -	— 696
on materials or machinery for house, mill, manufactory, vessel, &c., - - - - -	21 696
same, owner to withhold amount of from contractor, when, - - - - -	22 696
same, owner furnish contractor with copies of claims, - - - - -	23 697
same, contractor how notify if he disputes claim, - - - - -	23 697
same, arbitration of claim disputed between contractor and journeyman, &c., - - - - -	24 697
same, contractor not paying amount due, when owner to pay, - - - - -	25 697
same, proceedings if collusive payment by owner to contractor, - - - - -	26 697
same, account of to be filed how, - - - - -	27 697
same, suits under; lien continue during same, - - - - -	28 698
same, lease to satisfy, if title to land deficient, - - - - -	30 698
same, lease to satisfy, if property will not sell, - - - - -	31 698
on land, lumber, &c., for work on same, - - - - -	32 698

MINNESOTA STATUTES 1858

GENERAL INDEX.

1003

	Sec. Page.
MECHANICS' LIENS , dischargeable by what payment; penalty for refusing, or proceeding after tender,	33 699
when proceedings by attachment under,	34 699
rights of executors, &c., to,	35 699
fees of registers for filing accounts, &c., under,	36 699
certificate of satisfaction, how to be filed; effect,	37 699
same, penalty for not filing,	37 699
filed under previous laws, prosecuted under them,	38 699
form of affidavit for filing,	39 699
MEDICAL SOCIETY. <i>See</i> COUNTY MEDICAL SOCIETY.	
MEDICAL STUDENT , examination by county medical society,	5 278
qualifications for membership and diploma of same,	6 278
fee from for diploma,	7 278
MEEKER COUNTY , created, boundaries of, February 23, 1856,	109 90
declared an organized county,	100 90
commissioners named for; duties,	111 90
Forest City county seat of,	112 91
commissioners to appoint sheriff,	112 91
in third judicial, and eleventh council district,	113 91
district judge to fix district court terms in,	113 91
north line of, defined, February 24, 1858,	213 104
north line of, to be voted for,	214 105
delinquent taxes exempt from act of January 28, 1858,	58 237
MEETINGS OF CORPORATIONS. <i>See under names of</i> CORPORATIONS.	
first, how notified,	341 335
when justice of the peace may call; proceedings,	342 335
valid though not called, when,	343 335
same, powers of, same as of other meetings,	344 335
MEMBER OF CONGRESS , cannot be governor,	11 126
election for, when,	1 139
canvass of votes for,	33 144
new election if tie vote on,	33 144
cannot be presidential elector,	58 144
MENDOTA , treaty of, Hennepin county to be organized after,	24 77
MERCHANDISE , where assessed,	10 231
MESSENGERS OF LEGISLATURE , appointment and pay of,	30 123
MIDWAY COUNTY , created and bounded, May 23, 1857,	190 101
MILEAGE , of messenger for election returns,	34 144
for carrying poll-books,	38 145
of presidential elector,	67 150
MILITARY OFFICES , no fee for administering official oath to,	46 594
MILITIA , forms of oaths, rolls, returns, &c., and uniform regulations,	— 800
laws as to,	— 798
who subject to enrollment,	1 798
state divided into divisions for, how,	2 799
who to command such divisions,	3 799
first division, limits of,	2 799
second division, limits of,	3 799
third division, limits of,	4 799
governor to be commander-in-chief; appoint what officers,	5 799
colonels and captains appoint what officers,	5 799
brigades, number of how determined,	6 799
township assessors, how notified of their duties under act,	7 799
same, prepare lists of those subject to enrollment,	8 799
same, send copies to adjutant; he forward to U. S. war department,	8 799
same, neglect of how supplied,	8 800
same, tavern-keepers, heads of families, &c., to give information to,	8 800
same, penalty for not informing or misinforming, how recovered,	8 800
same, such penalties how paid over,	8 800
same, compensation of,	8 800
subject to active military duty when,	9 800
when commander-in-chief may order out,	9 800
how governed and commanded while in service,	9 801
active volunteer militia to be. <i>See</i> VOLUNTEER MILITIA.	
returns of officers, men, arms, &c., how made and forwarded to Washington,	13 804
commissions in, when to expire,	16 805
officer vacate office by removal or absence,	16 805
uniform, what to be; of companies already uniformed,	17 806
major-general when discharge duties of brigadier,	18 806
uniforms and arms complete to be provided; exempt from process,	19 806
officers of, when free from arrest,	19 807
fines for non-appearance at muster,	20 807
fines on officers; amounts; how imposed and collected,	22 808
fines, &c., for disturbing musters,	23 809
guard or sentinel may use necessary force to maintain post,	23 810
property of associations liable for fines,	24 810
fines against minors, how paid,	24 810
fines may be collected by civil process,	25 810

MINNESOTA STATUTES 1858

1004

GENERAL INDEX.

	Sec. Page.
MILITIA , costs in suit for fines where state fails, brigade fund to pay, - - - - -	26 811
penalty on officers not appearing with forces if municipal officer requires, - - - - -	27 811
commandants call out troops to suppress riots, - - - - -	28 811
pay of officers on service to suppress riot or sustain law, - - - - -	29 812
company musters when; roll-call at, - - - - -	30 812
annual encampment muster, - - - - -	31 812
same, commandant of division to inspect troops at, - - - - -	32 812
brigade court, to assess fines, how organized, - - - - -	33 813
same, duties of; may direct use of brigade fund, - - - - -	34 813
same, brigade-inspector attend same; transmit lists of fines, - - - - -	35 814
same, fines laid by, how collected, - - - - -	35 814
pay of brigade inspector, quartermaster-general and adjutant-general, - - - - -	37 814
armory may be built when and how, - - - - -	38 815
parades, musters and encampments of, how governed, - - - - -	39 815
exempt officers, commissions of, how extended; exempt from service and fines, - - - - -	40 815
certificate to commissioned officers, - - - - -	41 815
resignations of officers, how given, - - - - -	42 816
number of officers to each division, how appointed, - - - - -	43 816
staff officers of commander, division, brigades, regiments, squadrons and battalions, - - - - -	44 817
same, rank of, - - - - -	45 818
same, to be commissioned, - - - - -	46 818
commissioned officers to be removed only by court-martial, - - - - -	46 818
public arms, ammunition, military equipage and stores, how kept, - - - - -	47 818
public arms, penalty for selling or detaining, - - - - -	48 819
same, penalty, how enforced; suits, how brought, - - - - -	48 819
commissioned officer, how arrested on complaint of another, - - - - -	49 820
summons of court-martial on same arrest; penalty for disobeying, - - - - -	50 820
officers, tried by court-martial, appointed by whom, - - - - -	50 820
court-martial, how constituted, - - - - -	51 820
same, powers of, - - - - -	51 821
same, sentence of, how made out, recorded, &c., - - - - -	51 821
same, oath of members, - - - - -	52 821
same, how vote; witness to be on oath, - - - - -	52 821
same, party condemned by may have copy of sentence and proceedings, - - - - -	53 822
same, officer so doing may pardon, or mitigate sentence, - - - - -	53 822
same, to be governed by what rules and articles of war, - - - - -	54 822
same, - - - - -	59 823
same, who may order for cases not expressly provided for, - - - - -	54 822
same, officer ordering may confirm or disapprove sentence, - - - - -	54 822
court of inquiry, how appointed, proceedings, - - - - -	55 822
same, - - - - -	60 823
commissary department, how may be organized, - - - - -	56 822
medical department, how may be organized, - - - - -	57 822
adjutants keep records of returns of regiments, &c., - - - - -	58 822
fees of officers serving on court-martial, - - - - -	61 823
armories may be rented when, - - - - -	62 824
act as to be published and distributed how, - - - - -	65 824
commander-in-chief direct as to command of state divisions, - - - - -	2 799
same, governor to be; appoint what officers, - - - - -	5 799
same, order out militia for actual service, - - - - -	9 801
same, when officer volunteer company, - - - - -	10 801
same, when may attach same to another company, - - - - -	10 801
same, when organize regiment of artillery, - - - - -	10 802
same, appoint what officers, - - - - -	43 816
same, staff of, - - - - -	44 817
same, how may organize commissary department, - - - - -	56 822
same, how may organize medical department, - - - - -	57 822
same, cause publication and distribution of militia laws, - - - - -	64 824
MILLE LAC COUNTY , established and bounded, May 23, 1857, - - - - -	175 98
Hanover temporary county seat of, - - - - -	175 99
in second judicial district, - - - - -	179 99
governor to appoint commissioners of; their duties, - - - - -	180 99
attached to Morrison county for judicial purposes, - - - - -	49 485
MILLS AND MILL DAMS , act to encourage erection of, - - - - -	— 847
right to erect if to overflow real estate not owned by proprietor, to be obtained under act, - - - - -	1 847
petition for leave to erect, &c., contents of, - - - - -	2 847
same, judge to appoint commissioners on, and fix their fees, - - - - -	3 847
commissioners on, oath of, - - - - -	4 847
same, notify time, place and object of meeting, - - - - -	5 847
same, what notice; to infants, idiots, wives, &c., - - - - -	6 847
same, meet, examine premises and assess damages, - - - - -	7 847
same, file report, petition, &c., how, - - - - -	8 847
damages on may be paid on filing report, how, - - - - -	9 847
appeals from assessment of damages, how brought, - - - - -	10 848
same, not to hinder erection if what bond filed, - - - - -	11 848
same, what bond to be filed to prosecute, - - - - -	12 848

MINNESOTA STATUTES 1858

GENERAL INDEX.

1005

	Sec. Page.
MILLS AND MILL DAMS , same, what point to bring up; when tried by jury, - - - - -	13 848
no exemplary or vindictive damages allowed on, - - - - -	14 848
judgment gives party erecting what rights, - - - - -	15 848
not to injure water power previously improved, - - - - -	16 849
limitation of time for action of damages, - - - - -	17 849
pre-emption not to be deprived of action for damages, - - - - -	18 849
dam heretofore erected may be raised and maintained how, - - - - -	20 849
suit for damages, suspended to await result of proceedings under act, - - - - -	21 849
costs of proceedings under act, how paid, - - - - -	22 849
entry in land allowed to make surveys for, - - - - -	23 849
when must be built or rebuilt; how kept in operation, - - - - -	24 849
act not apply to Olmsted county, - - - - -	25 850
act not interfere with existing rights, - - - - -	25 850
MINING. See MANUFACTURING, MINING, AND OTHER COMPANIES.	
MINISTER , salary of, church how fix, - - - - -	31 281
may solemnize marriage, - - - - -	4 460
duties as to same. See <i>under</i> MARRIAGE.	
file credentials before solemnizing marriage, - - - - -	5 460
when not testify to confession made to him, - - - - -	53 682
MINNEAPOLIS , county buildings of Hennepin county to be in, - - - - -	123 92
MINNESOTA. See STATE.	
MINNESOTA STATE INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB , act establishing, - - - - -	— 355
to be located near Faribault, Rice county, conditionally, - - - - -	44 355
board of directors, appointed, - - - - -	45 355
same, organization of, oath of, appoint officers, - - - - -	46 355
same, quorum; meetings for business, - - - - -	47 356
same, appoint officers and instructors of institution, - - - - -	48 356
same, fix compensation, course of study, &c., - - - - -	48 346
superintendent to be president and member of board, - - - - -	48 356
board to select lands and erect buildings, - - - - -	49 356
same, provide for opening institution, - - - - -	50 356
deaf and dumb to receive instruction, board, lodging, &c., - - - - -	50 356
member of board not to do business with it for gain, - - - - -	51 356
same, when have traveling, &c., expenses, - - - - -	52 356
same, vacancies how filled, - - - - -	52 356
legislature to grant necessary funds to, - - - - -	53 356
funds of how disbursed; accounts of, - - - - -	54 356
accounts of ordinary expenses how kept, - - - - -	55 356
annual report of board to governor; contents, - - - - -	56 357
who visitors of institution, - - - - -	57 357
MINOR. See APPRENTICE; MASTER AND APPRENTICE; INDENTURE; INFANT.	
lands of sold for taxes, when redeemable, - - - - -	88 242
apprenticed by county commissioners when, how, - - - - -	41 270
agent for on appraisal of land for roads, - - - - -	76 291
how accumulated rents and profits of land may be disposed of for by will or deed, - - - - -	37 380
same, when and how may be used for support and education of, - - - - -	39 380
married women, power granted to, not exercised until majority, - - - - -	38 394
sale of lands by guardian of. See <i>under</i> GUARDIAN ,	
executor, administration how until his majority, - - - - -	6 432
when parent or guardian to consent to marriage of, - - - - -	7 460
court may make decree as to provision for during proceedings for divorce of parents, - - - - -	17 465
same, after decree of divorce or nullity of marriage, - - - - -	18 465
same, and alter such decree, - - - - -	19 465
guardian of how appointed, - - - - -	1 467
when may appoint guardian, (and next section,) - - - - -	2 467
when parent to have custody of, - - - - -	5 467
when guardian has custody of, - - - - -	6 467
when support and education paid for from estate of, - - - - -	9 468
when guardian appointed for by father's will, - - - - -	10 468
guardian appointed for by court in suits as to, - - - - -	11 468
bind himself apprentice how, (<i>and</i> see APPRENTICE ,) - - - - -	1 471
illegitimate, mother may bind out, - - - - -	29 474
how far exempt from rule as to limitation of actions, - - - - -	17 534
summons in civil action, how served on, - - - - -	53 538
when material witness, who may recognize for, - - - - -	21 747
militia fines against, how paid, - - - - -	24 810
MISAPPROPRIATION of public money, penalty, - - - - -	109 245
MISDEMEANOR ; contempt of legislature to be, - - - - -	3 120
violation of provision as to election returns to be, - - - - -	47 146
improper recording of deed by register to be, - - - - -	30 158
violation of duty by town clerk to be, - - - - -	64 189
injury of pound to be, - - - - -	256 227
return by county collector of paid tax as unpaid, - - - - -	31 234
default by assessor or collector to be, - - - - -	68 238
neglect of duty by register as to taxes, to be, - - - - -	100 244
failure in duty by officer under chapter 9 to be, - - - - -	110 245

to secure buildings & other 28 285

MINNESOTA STATUTES 1858

1006

GENERAL INDEX.

	Sec. Page.
MISDEMEANOR ; violation of rule of board of health to be,	8 272
trespass on cemetery to be,	53 286
non-entry in or withholding transfer book of road company,	98 295
injury or obstruction to plank road, turnpike, and appurtenances,	110 298
omission of entries in transfer book, or refusal to permit use of it,	287 328
intentional keeping false books of corporation, to be,	317 332
unlawful sale of spirit to Indians, to be,	1 338
unlicensed exhibition of public show, &c., to be,	2 346
unlawful cutting timber on school, &c., lands,	1 362
neglect by county commissioner of duty as to trespass on school, &c., lands,	3 363
injury to trees, &c., in public or private grounds, to be,	3 369
recording by register of instrument not properly signed, &c.,	60 405
neglect of duty as to will, by executor or person in charge,	16 427
failure to pay over moneys collected, by justice,	173 521
deceit or collusion by attorney in action,	8 666
defined,	4 701
any neglect of duty by public officer, &c., to be,	15 735
permitting grand-jury depositions to be improperly inspected,	50 754
disclosure of fact of presentment or indictment,	53 754
trial for may be in absence of defendant,	3 769
issuing illegal militia certificate,	14 804
MISSIONARY SOCIETIES ; incorporation, &c., of. <i>See EDUCATIONAL AND CHARITABLE SOCIETIES.</i>	
MISSPELLING , &c., not to vitiate election returns,	47 146
not regarded in deciding contested election,	74 151
MISTRESS of apprentice, laws as to master apply to,	27 474
MODERATOR of town meeting, chosen,	18 182
duties of,	19 182
oath of; form,	18 182
proclamation by at opening and closing poll,	23 183
MONEY , public. <i>See PUBLIC MONEY.</i>	
MONONGALIA COUNTY ; created; bounded; March 8, 1858,	239 108
commissioners' names; appointed; duties,	240 108
to be in fourth judicial district,	242 108
counties affected to vote on creation of,	243 108
Irving to be county seat of,	241 108
certain townships taken from, March 20, 1858,	244 108
to be in twentieth representative district for election purposes,	244 108
counties affected by change of, to vote on change,	245 108
MONROE COUNTY ; created; bounded; March 20, 1858,	206 103
county seat to be Princeton,	206 103
attached to Benton, Stearns, and Meeker, for election purposes,	206 103
governor to appoint commissioners for,	206 103
attached to St. Louis county for judicial purposes,	49 485
MONTH ; term how construed,	2 114
MONUMENTS ; village trustees may protect,	138 302
MORRISON COUNTY ; created from Benton county, February 25, 1856,	117 91
organized; Little Falls county seat of,	119 91
first county election in,	119 92
returns of said election to Benton county register,	119 92
Todd county attached to for judicial purposes,	120 92
proportion of debt of Benton county charged to,	121 92
Crow Wing, Mille Lac, Itasca, Pembina and Cass counties, attached to for judicial purposes,	49 485
MORTAL WOUND ; poisoning, &c., in one county, and death in another, prosecution where,	8 734
same, if given without territory, trial where,	9 734
MORTGAGE . <i>See CHATTEL MORTGAGE; CONVEYANCE; DEED; INSTRUMENT.</i>	
how recorded and discharge noted in register's books,	22 157
what not to be given by manufacturing or mining company,	270 325
of personal property, how filed and indorsed,	3 348
same, names of parties, how to be recorded,	4 348
same, copy certified by register, how evidence,	5 348
by tenant for life or married woman, having power, effect of,	18 393
same,	19 393
containing power to sell, power how vested and executed,	60 396
no covenant to be implied in,	6 398
remedy under confined to lands mentioned in, except when,	6 398
execution, acknowledgment, recording, &c., of. <i>See under DEED.</i>	
recording assignment of not notice to mortgagor,	28 400
discharged by entry in record, how,	36 401
discharged on certificate, how,	37 401
same,	59 404
same, certificate and proof recorded,	38 401
if mortgagee refuse to discharge; liable for what damage,	39 401
to be recorded separately,	55 404
deed intended as but not conditional in terms, to be,	56 404
dower in lands under,	3 407
same, if mortgaged for purchase money,	4 407

	Sec.	Page.
MORTGAGE , same, in surplus of proceeds of sale under mortgage, - - - - -	5	407
same, in residue, after deducting amount paid to satisfy mortgage by bond, &c., -	6	408
right of foreclosure passes to executor or administrator, - - - - -	12	438
executor, &c., may release; if he bid in, hold for whom, - - - - -	13	438
how not a conveyance, - - - - -	11	596
may be foreclosed for each installment due on it, - - - - -	3	644
foreclosing by advertisement, provisions as to, - - - - -	—	643
same, allowed in certain cases, - - - - -	1	643
same, what requisites to, - - - - -	2	643
same, notice of, how published, - - - - -	4	644
same, contents of such notice, - - - - -	5	644
same, sale under, how, when, by whom, - - - - -	6	644
same, sale under, postponed how, - - - - -	7	644
same, separate tracts of land, how sold; what portion sold, - - - - -	8	644
same, mortgagee, &c., may purchase at sale, - - - - -	9	644
same, mortgagor may redeem lands sold under for one year, how, - - - - -	11	645
same, if land sold not redeemed, purchaser when receive deed, - - - - -	12	645
same, surplus after sale under, paid to mortgagor, &c., - - - - -	13	645
same, evidence of, how perpetuated, - - - - -	14	645
same, affidavits in evidence of, how recorded, - - - - -	15	645
same, note referring to evidence of, entered on record of mortgage, - - - - -	16	645
same, what will pass title of land sold under, - - - - -	17	645
same, subsequent mortgagee might also redeem after, - - - - -	18	646
same, if mortgagee buys under, what evidence of sale and foreclosure, - - - - -	19	646
same, party foreclosing may have costs, &c., - - - - -	20	646
officer selling real estate under, give purchaser what certificate, - - - - -	10	644
real estate sold under, how redeemable, - - - - -	21	646
same, re-redemption of by other creditors, &c., - - - - -	21	646
same, mortgagor may redeem when, - - - - -	21	646
same, mortgagor retain possession of, how, - - - - -	22	646
same, injunction to restrain mortgagor from waste, - - - - -	23	646
bills to foreclose, where filed, - - - - -	8	671
same, court decree sale under, possession by purchaser, and payment of balance by mortgagor, - - - - -	9	671
same, after bill filed for, proceedings at law cannot be had, - - - - -	10	671
same, when person other than mortgagor can be made party, - - - - -	11	671
same, complainant state whether proceedings at law had, - - - - -	12	671
same, if judgment at law had, when proceedings on bill, - - - - -	13	672
sales under, to be by whom, - - - - -	14	672
deeds on sale under, how executed, - - - - -	15	672
proceeds of sale under, how applied, - - - - -	16	672
surplus from sale under, invested if not called for, - - - - -	17	672
bill to foreclose, dismissed if defendant pay amount due, - - - - -	18	672
proceedings to foreclose stayed after decree if same, - - - - -	19	672
if decree to foreclose, reference to matter, - - - - -	20	672
when further order of sale, founded on decree, - - - - -	21	673
when court direct sale of all premises under, - - - - -	22	673
same, application of proceeds, - - - - -	23	673
on logs or lumber, must be recorded with surveyor-general, - - - - -	34	830
by land grant railroad. <i>See LAND GRANT RAILROAD,</i> - - - - -	—	839
same, how foreclosed, - - - - -	22	840
MORTGAGEE , how liable for refusing to discharge mortgage, - - - - -	39	401
MOTHER. <i>See BASTARD; ILLEGITIMATE CHILD; PARENT.</i>		
may be witness in bastardy case, - - - - -	6	344
same, - - - - -	12	345
inherit intestate estate when, - - - - -	1	411
MOTION , by bail, for judgment for amount paid on bond, - - - - -	85	510
to postpone trial for absence of evidence, how made, - - - - -	12	558
defined, - - - - -	14	627
how to be made, - - - - -	15	627
where to be made, - - - - -	16	627
notice of, how served, - - - - -	17	627
transferred to another judge how, - - - - -	18	627
MOWER COUNTY , boundaries, act of February 20, 1855, - - - - -	63	83
an organized county, - - - - -	146	95
governor to appoint commissioners, - - - - -	147	95
commissioners to meet and appoint clerk, - - - - -	148	95
“ to fix county seat, - - - - -	149	95
commissioners to appoint sheriff, - - - - -	150	95
part of set off to Olmsted county, May 26, 1857, - - - - -	204	103
MULE. <i>See ANIMAL; ESTRAY.</i>		
MUNICIPAL AUTHORITIES , permit railroads to use streets, &c., how, - - - - -	253	321
MUNICIPAL CORPORATION , department of may sue, - - - - -	12	614
suit by organized department of, same to be party in interest, - - - - -	14	616
MURDER , coroner may bind over witnesses as to, - - - - -	107	170
degrees and penalties of, - - - - -	2	702
when verdict of not guilty, - - - - -	7	703

MINNESOTA STATUTES 1858

1008

GENERAL INDEX.

	Sec. Page.
MURDER, assault with intent to, penalty, - - - - -	31 706
attempt to commit by means not an assault, penalty, - - - - -	32 706
armed assault with intent to, - - - - -	34 706
burglary with intent to commit, penalty, - - - - -	9 709
same, (and next sections), - - - - -	11 709
of infant bastard by mother, same indictment may charge concealment of its death, - - - - -	8 729
form of indictment for, - - - - -	3 759
MURRAY COUNTY, created and bounded, May 23, 1857, - - - - -	188 101
Rock county attached to for judicial and elective purposes, - - - - -	194 102
MUTUAL INSURANCE COMPANIES, premium notes of, lien on what real estate, - - - - -	332 334
NAMES, of persons, towns or villages, district court may change, - - - - -	— 482
of person, proceedings to change, - - - - -	36 482
of town or village, proceedings to change, - - - - -	36 482
same, publication of notice of change, - - - - -	37 482
record kept of change of, - - - - -	38 483
costs of changing how paid, - - - - -	39 483
NATURALIZATION, abstract of United States laws on, - - - - -	— 867
NAVIGATION, not to be impeded by railroad bridges, - - - - -	261 322
NE EXEAT, writ of, district court may issue, - - - - -	2 478
same, - - - - -	21 480
granted when and how, - - - - -	22 480
NEGLECT OF DUTY. <i>See under names of officers.</i>	
NEGOTIABLE NOTE. <i>See Promissory Note.</i>	
set-off in action on, - - - - -	45 503
same, not affected by provision as to action by assignee, - - - - -	28 535
lost, recovery on may be had on what evidence, - - - - -	74 684
same, bond to be given before recovery on, - - - - -	73 684
NEW TRIAL, in action for town site lands, when, - - - - -	8 387
defined, - - - - -	58 564
granted for what causes, - - - - -	59 564
application for made how, - - - - -	60 564
statement for how made and served, - - - - -	61 565
application for when made, - - - - -	62 565
notice of application how and when given, - - - - -	63 565
in actions to recover real property, - - - - -	5 595
same, if same judgment, when third trial, - - - - -	6 595
district court when grant, - - - - -	6 777
NEWSPAPERS, payment for publishing session laws, - - - - -	26 118
NEWTON COUNTY, set off from Itasca, and bounded, - - - - -	81 87
NEXT FRIEND to be appointed for infant suing before justice, - - - - -	20 500
NICOLET COUNTY, bounded, act of March 5, 1853, - - - - -	36 79
Pierce county attached to for judicial purposes, - - - - -	38 79
an organized county, - - - - -	40 80
governor to appoint justices, constables and county officers of, - - - - -	40 80
boundaries, act of February 20, 1855, - - - - -	72 85
NOBLES COUNTY, created and bounded, May 23, 1857, - - - - -	183 100
organized; in third judicial and tenth council districts, - - - - -	186 100
governor to appoint commissioners; duties, - - - - -	191 101
Gretchtown temporary county seat of, - - - - -	192 101
meeting of commissioners of, - - - - -	193 101
NOLLE PROSEQUI, abolished, substitute, - - - - -	37 785
NON-RESIDENTS, lands of where assessed, - - - - -	124 198
corrections in assessment of, - - - - -	135 200
poor, not pauper, supported in sickness, - - - - -	5 271
agent for, on appraisal of lands for road, &c., - - - - -	76 291
same, at partition of estates, &c., - - - - -	13 451
same, - - - - -	22 452
ward, guardian for, appointment of, - - - - -	26 470
same, duties of guardian, - - - - -	27 470
same, bond of, - - - - -	28 470
defendant, action against by attachment, when brought, - - - - -	42 536
NONSUIT, not preclude writ of error, - - - - -	31 624
NON-USER of corporate franchise, forfeits it when, - - - - -	319 332
NORMAL BOARD OF INSTRUCTION. <i>See STATE NORMAL SCHOOL.</i>	
NORMAL SCHOOL. <i>See STATE NORMAL SCHOOL.</i>	
NOTARIES PUBLIC, governor to appoint, - - - - -	91 133
term of office; bond; oath, - - - - -	92 133
seal and register of; exempt from execution, - - - - -	93 134
powers of, - - - - -	94 134
how to protest notes, - - - - -	95 134
instruments of protest <i>prima facie</i> evidence, - - - - -	96 134
fees of; may compel attendance of witnesses, - - - - -	97 134
bankers, brokers, &c., not to be, - - - - -	98 135
overcharge or malfeasance by, removal for, - - - - -	99 135
expiring of office of those appointed before May 25, 1858, - - - - -	100 135
sheriffs, &c., must serve and return process of, - - - - -	97 134
seals of, to be what, - - - - -	5 374

MINNESOTA STATUTES 1858

GENERAL INDEX.

1009

	Sec. Page.
NOTARIES PUBLIC, same, present may continue in use how, -	7 374
take acknowledgment of deed, -	8 398
same, in other state, &c., -	9 396
same, in foreign country, -	10 396
fees of, -	12 589
NOTE. See BANK NOTE; PROMISSORY NOTE.	
NOTICE of election, form of to sheriff, -	4 139
how made and sent, -	26 158
sheriff how to publish, -	5 140
of contested elections, contents of, -	70 150
same, how served, -	71 150
extra session of county commissioners, -	3 153
appeal from county commissioners' decision, -	17 155
correction of assessment roll, -	115 172
special town meeting; form, -	17 181
annual town meeting; form, -	13 180
to candidates chosen at town election, -	30 183
same, -	31 183
same, form of, -	31 184
acceptance by overseer of poor and pound masters; form, -	36 184
same, effect of neglect to file, -	36 184
town meeting where town refuses, &c., to organize, -	49 187
acceptance of resignation of town officer, town clerk to have, -	50 187
election, town clerk's fees for, -	72 190
posting, town clerk's fees for, -	72 190
tax for county buildings, -	106 195
town collector's tax sale, -	143 202
work on highways, -	167 208
land road tax, -	180 210
road appeal, -	196 215
same, meeting, -	198 216
to remove fence for road, -	211 219
same, if appeal from road decision, -	212 219
of tax sale, by sheriff, -	32 234
of tax sale, by register, -	70 239
same, publication of, -	71 239
same, printer's affidavit of, -	72 239
same, register's affidavit of, -	73 239
of tax sale of unredeemed lands, by register, -	84 241
same, publication of, -	85 241
of petition for county road, published, proof, -	3 249
of proposed cartway, -	13 250
same, if remonstrance, -	14 251
road commissioners', of hearing application, -	19 252
road commissioners', to county do., of road through more than one county, -	18 252
of vessel, &c., found, -	2 256
of sale, &c., of same, (and following sections), -	5 256
of finding of estray, -	3 260
same, penalty for neglect of, -	9 261
of finding lost money or goods, -	10 261
same, when to be published, -	11 261
same, penalty for neglecting, -	14 261
to owner of goods consigned or deposited, -	49 265
same, before sale of same, -	51 265
of sale of unclaimed property, -	54 266
same, if property perishable, -	60 266
for proposals for public printing, -	7 268
to pauper, to remove from county, -	7 271
of health regulations, -	4 272
of election in religious society, -	17 279
same, to vacancy in board of trustees, -	27 281
same, in Protestant Episcopal Church, -	38 282
application to order sale of church property, -	33 281
formation of plank road or turnpike company, -	60 287
election of directors of same, -	64 288
same, -	65 288
application for appraising commissioners for same, -	73 290
hearing by said commissioners, -	75 290
payment of their award to county treasurer, -	82 292
application for alteration of tollgate, -	89 294
payment of road company's installments, -	90 294
construction of turnpike or plank road, -	92 294
to tollgatherer of bad repairs, -	98 296
same, how served, -	99 296
as to turnpike or plank road, when served on agent of owner, -	76 291
application to incorporate village, -	120 299
same, how published, -	121 299

MINNESOTA STATUTES 1858

	Sec. Page.
NOTICE of election, of meeting to vote on incorporation of village,	124 300
same, how published,	125 300
of meeting to choose village officers,	128 300
relative to village, what evidence of publishing,	138 303
tax for village street improvement,	152 305
correction of village assessment roll,	158 306
collection of general village tax,	163 307
sale for same,	164 307
to sale of land for same,	166 307
forfeiture, before giving tax deed of village lots,	170 308
application for ferry license,	201 313
incorporation of gas company; how published,	212 314
same, contents,	213 313
sale of railroad stock for unpaid installments,	248 320
opening subscription books of railroad,	250 320
of elections by corporations. <i>See under names of Corporations.</i>	
of sale of stock for unpaid installments. <i>See under names of Corporations.</i>	
of enlargement of manufacturing, &c., company's stock,	285 327
of intended corporation, how published,	303 331
same, contents of,	304 331
of dissolution of corporation,	309 331
of incorporation, not needed by corporations not pecuniary,	335 334
first meetings of corporations, what,	341 335
license question to be voted on at town election,	28 342
formation of school district, how given,	61 358
same, when renewed,	62 358
application to vacate or alter town plot,	13 371
entry by judge, &c., of town site lands,	3 386
trial by court in action for town site lands,	7 387
determination of estates at will or by sufferance, what,	34 411
guardian's sale of real estate,	15 415
executor's, &c., sale of real estate,	16 419
same, how proved,	23 420
same, of adjournment,	25 420
hearing on guardian's petition to sell,	42 422
time and place of proving will,	18 427
hearing on application to appoint administrator,	20 436
appeal from decision of commissioners on estate,	23 442
same, by executor having claim,	30 443
hearing on application to extend time for payment of debts and legacies,	33 444
limitation of time for payments from insolvent estate,	43 445
sale of personal estate of deceased to pay debts, &c.,	4 448
examination of accounts of executor, &c.,	14 449
hearing on petition for partition of estate of deceased,	7 450
hearing on petition for decree for conveyance by executor, &c.,	2 455
application for divorce,	12 464
hearing on complaint against apprentice for misbehavior, &c.,	23 473
special term of supreme court,	10 476
same, of district court,	16 480
application to change person's name,	35 482
change of name of town or village,	37 482
terms of district court where not time appointed by law,	53 485
same,	56 486
to defendant who cannot be summoned before justice,	114 514
same, form of,	115 514
same, publication of,	115 514
election to vacant justiceship,	166 520
to defendant, what contained in summons,	50 537
trial, when and how served,	8 558
application for new trial,	63 565
sale of property on execution, how given,	110 572
same, penalty for making without,	111 572
application of insolvent, fees of printer,	29 592
same, form of,	30 592
fees for publishing in newspapers,	31 592
sale by mortgage, how served,	32 592
to creditors having general liens in suit for partition,	20 600
of motion, when served,	17 627
must be in writing,	18 627
served how,	23 627
served by mail, when,	24 628
same, how served,	25 628
when valid; amendment of,	29 628
in newspaper, when to be published,	43 630
same, by municipal corporation, paper how designated,	43 630
computation of time for publishing,	43 630
on habeas corpus, to person interested in confinement of party,	47 638

MINNESOTA STATUTES 1858

GENERAL INDEX.

1011

	Sec. Page.
NOTICE, same, when to district attorney,	48 638
of sale under mortgage, how advertised,	4 644
same, contents of,	5 644
of taking of deposition,	9 676
same, may be served on agent or attorney of party,	10 676
same, on one of several parties, sufficient,	11 676
same, how served,	12 676
same, omitted if right waived,	13 676
of deposition to perpetuate testimony, in state,	31 679
same, out of state,	38 679
same, against all persons,	46 680
published in newspaper, what proof of,	60 683
same, of sale of real estate, proof of,	61 683
affidavits and copies, proof of publication of,	62 682
same, of printer, to publication of, how evidence,	63 683
relative to evidence, agent or attorney may give and receive,	86 686
sale of railroad securities for default of payment by road,	20 840
by land drainage companies, of intention to commence operations,	4 843
meeting of commissioners on application for mill-dam,	6 847
final redemption of bank notes,	24 850
NUISANCE, board of health examine and make regulations,	3 272
owner ordered to remove; penalty of neglect,	5 272
board of health may remove,	6 272
entry refused to examine, proceedings,	7 273
removed under warrant,	8 273
authority of village trustees as to,	138 302
defined; who may bring action against,	15 596
judgment may be to abate,	15 596
NUNCUPATIVE WILL, when valid,	6 426
same, how to be proved,	7 426
soldier or sailor how to make,	7 426
OATH. <i>See</i> PERJURY.	
term includes affirmation,	2 114
when member of legislature may administer,	5 120
auditor of state may administer, to accounts,	43 129
notary public may administer,	94 134
notary's fees for administering,	97 134
of challenged voter,	14 141
of challenged voter, penalty for false,	15 141
of judge of election, to his judgeship,	60 148
register of deeds may administer,	31 158
judge of probate may administer,	78 165
same, as court commissioner,	80 166
of coroner's jury; form,	102 170
of coroner's witnesses; form,	104 170
assessor may administer as to personal property,	114 172
of person offering to vote at town meeting,	20 182
of town officer at delivery to successor of books, &c., form,	89 192
same, who to administer,	89 192
chairman of county supervisors may administer; form,	101 194
same, in case of death, who to take,	90 194
to delivery of books, &c., to county auditor by register,	103 195
to delivery of books, &c., of county treasurer to successor,	119 198
of commissioners to appraise land for turnpike or plank road,	75 200
commissioners on road appraisal may administer,	78 201
village trustees may administer to claimant,	142 304
of railroad directors,	250 320
attorney general or legislature may administer on examining corporation,	360 337
commissioners to acknowledge deeds may administer,	49 403
guardian, before licensed to sell estate,	13 416
foreign guardian applying to sell estate,	19 416
executor applying to sell real estate,	22 420
commissioners on claims against estate to take,	10 441
same, may administer,	10 441
officer summoning justice's jury,	64 506
justice's jury,	64 506
witness before justice,	64 506
officer having charge of justice's jury,	64 507
of witness giving deposition, what,	74 676
proof of entries in account books by,	77 685
of signer to instrument, rebut evidence of signature,	80 685
of justice, prove proceedings before him,	84 685
what officer may administer; how made evidence,	91 687
when affirmation allowed instead,	92 687
other than usual mode of administering, when allowed,	93 687
how administered to persons not Christians,	94 687
examination of infants before taking,	95 687

MINNESOTA STATUTES 1858

1012

GENERAL INDEX.

	Sec. Page.
OATH , what forms of allowed; violation of to be perjury, - - - - -	96 687
arbitrators, to take what, - - - - -	7 690
same, receive testimony under; may administer, - - - - -	21 692
foreman of grand-jury, form, - - - - -	22 751
grand-jurors, - - - - -	23 751
same, afterwards admitted, - - - - -	24 752
foreman of grand-jury may administer, - - - - -	34 752
jurors on criminal cases, - - - - -	39 775
same, affirmation instead of, form, - - - - -	40 776
military officer's on receipt of commission, form, - - - - -	— 800
same, administered and indorsed on certificate, - - - - -	41 815
members of court-martial, - - - - -	52 821
surveyor-general of lumber, - - - - -	22 828
same, where deposited, - - - - -	23 828
of alien at naturalization, - - - - -	6 868
OATH OF OFFICE ; who may administer to member of legislature, - - - - -	4 120
of senators, what, how administered, - - - - -	23 122
house of representatives, " - - - - -	26 123
officers of legislature, what to be, - - - - -	28 123
assistant secretary of state, - - - - -	16 126
auditor of state, - - - - -	19 127
treasurer of state, - - - - -	50 130
same, - - - - -	51 130
attorney-general, - - - - -	68 131
same, filed, - - - - -	69 131
clerk of supreme court, - - - - -	86 133
deputy clerk of supreme court, - - - - -	87 133
notaries public, - - - - -	92 133
state librarian, - - - - -	107 136
judges and clerks of election, - - - - -	7 140
who may administer, - - - - -	8 140
register of deeds, - - - - -	20 156
deputy register, - - - - -	24 157
sheriff, - - - - -	49 161
deputy sheriff, - - - - -	52 161
district attorneys, - - - - -	66 164
judge of probate, - - - - -	76 165
county surveyor, - - - - -	83 167
surveyor's chainmen and markers, - - - - -	88 167
assessors, - - - - -	111 171
assessors' deputy, - - - - -	116 172
district court clerk, - - - - -	121 173
same, form, - - - - -	127 174
deputy of same, - - - - -	125 174
county officers, when to be taken, - - - - -	133 175
deputies of same, when to be taken, fine for neglect, - - - - -	134 175
certain town officers, when to be taken, &c., - - - - -	33 184
same, certificate of to be filed, - - - - -	34 184
same, result of neglect to do, - - - - -	35 184
same, form of, - - - - -	33 184
of constable, when taken, - - - - -	39 185
effect of neglect to take by collector and constable, - - - - -	42 186
county auditor; form, - - - - -	103 194
county treasurer when to be renewed, - - - - -	113 197
justice of peace; contents; filed, - - - - -	228 221
violation of, vacates office, - - - - -	2 247
neglect to take or renew, same, - - - - -	2 247
road examiners, - - - - -	5 249
road commissioner, - - - - -	15 251
village officers, - - - - -	135 301
members of normal board, - - - - -	34 354
directors of state deaf and dumb institution, - - - - -	46 354
commissioner to acknowledge deeds, - - - - -	50 403
district judges, clerks and attorneys, how file copies of, - - - - -	44 483
same to be filed free of charge, - - - - -	45 483
probate clerk, - - - - -	50 495
OBSCENE BOOKS , figures, &c., penalty for selling, &c., - - - - -	11 729
OFFENSE . See CRIME ; EXAMINATION OF OFFENDERS ; MISDEMEANOR ; PENALTY ; AND NAMES OF OFFENSES .	
previous to revised statutes, not affected by them, - - - - -	12 116
criminal, how justice's jury to try; impaneled, - - - - -	68 507
jurisdiction of justice in. See JUSTICE OF THE PEACE , - - - - -	— 523
same, justice hold court to try what, - - - - -	180 524
trial of before justice. See TRIAL FOR OFFENSE BEFORE JUSTICE .	
assault, &c., summary trial for, - - - - -	206 526
justice's warrant to prevent commission of, - - - - -	207 526
not cognizable before justice, his proceedings, - - - - -	209 527

	Sec.	Page.
OFFENSE ; against habeas corpus act, penalty,	58	689
provisions as to,	—	700
what are,	1	700
classed as felonies and misdemeanors,	2	700
punishment of felony,	3	700
how persons held to answer for,	1	701
rights of defendant in prosecutions for,	2	701
conviction to be on confession, admission or verdict,	3	701
acquittal bars second indictment for same offense,	4	701
on acquittal for variance, may be second indictment,	5	701
no punishment for until after conviction,	6	701
against life and person, chapter on,	—	702
against property, chapter on,	—	708
against public justice, chapter on,	—	719
compounding, penalty for,	20	722
against public peace. <i>See</i> RIOTOUS ASSEMBLY,	—	723
against public policy. <i>See</i> LOTTERY; GAMING,	—	724
against chastity, morality, and decency, chapter on,	—	728
against public health, chapter on,	—	732
general provisions as to,	—	733
accessory to. <i>See</i> ACCESSORY.	1	733
near boundary line of counties, may be indicted, &c., in either,	7	734
in trial for, what proof of ownership of property stolen,	11	735
fines and forfeitures for, suit where; when committal,	12	735
fines for, recovered before justice, when payable into county treasury,	13	735
attempt to commit, how punished,	15	735
second, penalty for,	17	736
sundry terms relating to, defined,	18	736
proceedings to prevent. <i>See</i> RECOGNIZANCE TO KEEP THE PEACE,	—	741
arrest and bail for. <i>See</i> ARREST; BAIL.	—	745
examination of persons charged with. <i>See</i> EXAMINATION OF OFFENDERS,	—	755
indictments for. <i>See</i> INDICTMENTS,	25	761
committed on board vessel, &c., where may be indicted, &c.,	—	742
OFFENSIVE WEAPON , penalty for carrying,	18	742
OFFER OF COMPROMISE BY DEFENDANT , when and how made and accepted, &c.,	8	626
to liquidate damages,	9	626
if refused by plaintiff, effect,	10	626
OFFICE , oath of. <i>See</i> OATH OF OFFICE.	—	—
OFFICE , QUALIFICATION FOR. <i>See</i> QUALIFICATION.	—	—
OFFICE , TERM OF, of justices and constables in Itasca, Wabasha, Dakota, Cass and Pembina counties,	19	77
senators and representatives,	18	122
officers of senate,	25	122
officers of house of representatives,	29	123
messengers of legislature,	30	123
assistant secretary of state,	17	126
notary public's, if appointed, &c.,	100	135
school superintendent's,	103	135
state librarian's,	106	135
for county, town and precinct officers,	43	146
register of deeds,	19	156
county treasurer,	186	175
sheriff,	47	161
district attorney,	66	164
judge of probate,	76	165
county surveyor,	83	167
coroner,	95	168
justices and constables,	14	180
town officers,	46	186
county auditor,	102	194
same,	103	194
county treasurer,	113	197
road commissioner,	15	251
church trustees,	26	280
Episcopal church wardens and vestrymen,	33	283
cemetery association trustees,	41	284
same,	48	285
village officers,	133	301
trustees of literary institutions,	221	316
officers of emigrant aid societies,	237	318
supreme court reporter,	13	476
OFFICE , VACANCY IN. <i>See</i> VACANCY.	—	—
OFFICER . <i>See</i> COUNTY OFFICER; TOWN OFFICER; PRECINCT OFFICER; PUBLIC OFFICER; and under names of officers.	—	—
of senate, elected; to be what,	24	122
of house of representatives to be what, elected,	27	123
of state. <i>See</i> STATE OFFICER.	—	—

MINNESOTA STATUTES 1858

1014

GENERAL INDEX.

	Sec. Page.
OFFICER, of United States, cannot be governor.	11 126
of corporations. <i>See under names of corporations.</i>	
militia. <i>See under MILITIA; VOLUNTEER MILITIA.</i>	
OFFICER, CIVIL. <i>See CIVIL OFFICER; CONSTABLE; SHERIFF.</i>	
selling under execution without notice, fine,	111 572
cannot purchase at sale by himself under execution,	112 572
fees of, for sundry duties,	8 586
fees of for services in probate court,	28 592
set up table of fees in office,	33 592
receiving fees, give receipt if demanded,	45 593
fees allowed to one, allowed to other for same service,	47 594
not prosecuting for trespass on school, &c., lands, penalty,	9 363
in justice suit, how serve process,	11 499
same, how make return on same,	12 499
same, failing to execute same, how liable,	18 500
same, summoning jury, oath of,	64 506
same, in charge of same, oath of,	64 507
same, make list for same,	68 507
same, endorse time of receiving execution,	91 511
same, how notify sale under same,	93 511
same, how make such sale,	94 511
same, not buy at same,	95 511
same, summon garnishee if no property found,	96 511
same, receive and receipt for money paid on execution,	97 512
same, take possession of property under writ of replevin,	102 512
same, may break in to do same,	102 512
same, how execute writ of attachment,	110 513
same, in charge of property attached, compensation of,	113 514
same, permit third person to retain property of defendant, on what security,	121 515
same, when release body or property of defendant,	138 517
in criminal case before justice, service of venire by,	190 525
same, summon talesmen for jury,	191 525
action against for escape, limitation of,	9 533
cause survey of homestead exempted when,	95 570
how levy on property partly exempt,	103 571
fees of, details as to,	8 586
not liable to action for obeying writ or order of discharge under habeas corpus,	52 639
how execute warrant for relief of person in danger of being kidnapped,	61 640
refusing copy of authority for detention to officer with above warrant,	62 640
fees in proceedings as to vessels, &c.,	19 649
proceed on property delivered by garnishee,	15 661
not returning warrant for contempt, proceedings,	9 664
arresting for robbery or larceny, endeavor to recover property,	20 711
responsible for same if recovered; make return of same in warrant,	20 711
payment to for services and keeping property, if conviction,	21 711
when pay over collections on fines,	30 712
voluntarily suffering escape of prisoner, penalty,	13 721
negligently suffering same, or refusing to receive prisoner, penalty,	14 721
refusing to arrest, or delaying and permitting escape,	15 721
person refusing to assist, penalty,	16 721
falsely assuming to be, penalty,	18 722
taking reward for omitting or delaying duty, penalty,	21 722
property found by under search warrant, disposal of,	4 737
duty relative to arrests. <i>See ARREST; BAIL.</i>	
when may pursue defendant in any county,	3 745
where may arrest person charged with taking, &c., saw-logs,	3 826
OFFICERS OF COUNTY OFFICERS, where to be,	132 175
of railroad companies, where to be; change of notified,	258 322
OFFICIAL SEALS. <i>See SEALS, OFFICIAL.</i>	
OFFICIAL SECURITIES, actions on. <i>See ACTIONS ON OFFICIAL SECURITIES.</i>	
OFFICIAL TRUSTS AS TO TOWN SITES. <i>See TOWN SITES, &c.</i>	
OLMSTED COUNTY, boundaries, act of February 20, 1855,	61 83
part of Mower county set off to, May 26, 1857,	204 103
act as to mills and milldams not to apply to,	25 850
ORDER, of publication, who may grant,	130 174
of service of summons by publication, contents of,	55 538
for arrest of defendant, who give,	100 545
same, given on affidavit,	101 545
same, undertaking of plaintiff on,	102 545
same, when and how served and returned,	103 545
same, to be delivered to defendant,	104 546
same, how executed,	105 546
to permit survey by party of land in dispute,	9 596
same, contents of,	10 596
for sale in partition suit, direct what,	28 601
in appeals, what may be reviewed,	11 621
defined,	13 627

MINNESOTA STATUTES 1858

GENERAL INDEX.

1015

	Sec.	Page.
ORDER, made out of court, where made, - - - - -	16	627
to stay proceedings, for what time, - - - - -	16	627
for payment of money, how enforced, - - - - -	19	627
to defendant to satisfy part of claim, - - - - -	21	627
to discharge recognizance, or supersede commitment, - - - - -	26	748
same, how filed, effect of, - - - - -	27	748
ORGANIZATION, of counties. <i>See under names of counties.</i>		
of towns, &c. <i>See CITIES; CORPORATIONS; TOWNS; VILLAGES.</i>		
OTTER TAIL COUNTY, created, bounded, March 18, 1853, - - - - -	209	104
Otter Tail city to be county seat of, - - - - -	209	104
governor to appoint commissioners of, duties, - - - - -	212	104
county officers how appointed, - - - - -	212	104
OVERSEERS OF HIGHWAYS, when elected, - - - - -	14	180
when to file notice of acceptance; form, - - - - -	36	184
result of neglect to file same, - - - - -	36	184
fine for refusing to serve, - - - - -	44	186
when required to warn labor, - - - - -	156	205
duties of, form of list of labor, - - - - -	158	206
vacancy how filled, form of warrant, - - - - -	139	207
same, warrant filed, - - - - -	160	207
neglect by; penalty, - - - - -	161	207
lists for, contents of, - - - - -	165	208
same, to add omitted names, - - - - -	166	208
to notify those assessed to highway labor, - - - - -	167	208
to use commutation money how, - - - - -	168	208
may require teams, &c., - - - - -	170	209
complaint of persons not working, - - - - -	173	209
use fines, &c., on roads and bridges, - - - - -	176	210
payment of; rate and means, - - - - -	179	210
notify to work out land road tax, - - - - -	180	210
note payment of such tax how, - - - - -	181	210
deliver certificate of paid and unpaid tax; form, - - - - -	182	210
same, neglect of, fine, - - - - -	183	211
when to have road labor done, - - - - -	185	211
annual return, form, - - - - -	186	211
pay over moneys at same time, - - - - -	187	211
same, penalty for neglect, - - - - -	188	211
OVERSEERS OF POOR, of county, commissioners to appoint, - - - - -	16	155
<i>See TOWN OVERSEERS, &c.</i>		
OWATONIA, county seat of Steele county, - - - - -	130	93
OWNER OF BUILDINGS. <i>See MECHANICS' LIEN.</i>		
OWNER OF ESTRAY. <i>See ESTRAY.</i>		
OWNER OF LOST MONEY OR GOODS. <i>See LOST MONEY AND GOODS.</i>		
OWNER OF UNCLAIMED PROPERTY. <i>See UNCLAIMED PROPERTY.</i>		
OWNER OF VESSEL, &c., liable for salvage, - - - - -	1	255
may have property on what payment, - - - - -	3	256
apply to justice if property refused; oath; writ, - - - - -	3	256
proceedings to recover, - - - - -	4	256
property worth under \$10, what salvage to pay, - - - - -	9	257
of Indian canoe, or lumber, may have same on proof of property, - - - - -	10	258
how redeem property any time before sale, - - - - -	11	258
on what oath may have search-warrant, - - - - -	14	258
consent of required to taking up loose saw-logs, &c., - - - - -	15	258
may remove saw-logs, &c., if lodged, - - - - -	16	258
of land may have logs lodged on same, when, - - - - -	17	259
of saw-logs injured, recover double damages, - - - - -	18	259
PANEL, challenge to. <i>See CHALLENGE.</i>		
PARDONS, governor may grant, - - - - -	6	126
same, on what conditions, &c., - - - - -	1	781
or commutation, what return on warrant; file same with clerk, - - - - -	2	781
what officer calling court-martial may grant, - - - - -	53	822
PARENTS. <i>See BASTARD CHILDREN; FATHER; ILLEGITIMATE CHILD; MINOR; MOTHER.</i>		
order of liability to support pauper children, - - - - -	2	270
when consent to marriage of minor child, - - - - -	7	460
have custody of person and education of ward, when, - - - - -	5	467
consent to binding of apprentice, - - - - -	2	471
how become party to indenture, - - - - -	5	472
may sue for seduction of child, - - - - -	33	535
same, for injury to child, - - - - -	34	535
PARTIES TO ACTIONS, provisions as to, - - - - -	—	534
plaintiff must be real party in interest, - - - - -	27	534
assignees being, not to prejudice set-off, - - - - -	28	535
who may sue without joining party in interest, - - - - -	29	535
married women how, - - - - -	30	535
infant, appear by guardian; who appoint guardian, - - - - -	31	535
same, appointment of guardian, - - - - -	32	535
parents or guardians may be, for seduction of daughter, - - - - -	33	535

*Rebels cannot
be clerks
p 54, 1862
& Chapt. 12
page 61
1862.*

MINNESOTA STATUTES 1858

1016

GENERAL INDEX.

	Sec. Page.
PARTIES TO ACTIONS, same, for injury to child,	34 535
wife and mother may be, in place of husband and father who has deserted,	35 535
persons severally liable may be made, to same action,	36 535
in case of death, marriage or other disability, who are when cause of action survives,	37 535
partners how made,	38 536
when submit propositions claimed, of law or fact,	65 565
how submit controversy to court without action,	7 643
judgment on such submission,	8 643
same, enforced how,	9 643
who may be, as to vessel, boat, &c.,	78 648
several, notice to one of taking of deposition sufficient,	11 676
PARTIES TO SPECIAL PROCEEDINGS, how designated,	1 632
PARTITION AND DISTRIBUTION OF ESTATES, provisions as to,	— 450
allowance for children of deceased before,	1 450
probate court make by assignment when,	2 450
contents of decree for,	3 450
decree on whose application,	4 450
heirs, legatees entitled to share when, or on giving what bond,	4 450
same, commissioners to assign shares how appointed, &c.,	5 450
commissioners to assign when real estate in different counties,	6 450
ordered on petition; notice of hearing on same,	7 450
when shares have been conveyed, how made,	8 451
shares how set out,	9 451
if estate not well divisible, all assigned together how,	10 451
same, proceedings as to land, &c., of greater value than one share,	11 451
estate lying in common, first to be severed,	12 451
guardians for minors, insane, &c., appointed before,	13 451
report of commissioners on, how made and recorded,	14 451
when partition need not be made of residue of estate,	15 452
questions as to advancements, how determined,	16 452
appeal from probate decision on,	17 452
when conclusive on all persons interested,	18 452
when executor, &c., pay expenses of from estate retained,	19 452
when expenses paid by parties interested; proportions how fixed,	20 452
reversion how subject to,	21 452
agent for non-resident interested in,	22 452
bond and compensation of such agent,	23 452
guardian may join in, &c.,	17 469
PARTITION OF REAL PROPERTY, action for, provisions as to,	— 598
when may be brought,	1 598
summons how addressed,	2 598
complaint set forth interest of all parties,	3 598
plaintiff may make creditors with liens, parties,	4 598
lien on undivided interest, becomes charge on that share only after divided,	5 598
same, accrues only after partition expenses paid,	5 598
unknown owners how made parties,	6 599
rights of parties may be tried and determined in,	7 599
when proof of title necessary,	7 599
when property may be sold instead of divided,	8 599
partition how made,	9 599
report of referees,	10 599
same, court may confirm or set aside; if confirm, judgment what, and how binding,	11 599
judgment cannot affect tenants in dower, &c.,	12 599
referees in, duties of. <i>See REFEREE.</i>	
same expenses of and of surveyor, how paid,	13 600
when sale allowed instead of partition,	14 600
when part sold, estate by curtesy, &c., set off in that not sold,	15 600
before sale, how creditors may be made parties,	16 600
plaintiff produce what certificate as to general liens,	17 600
reference to ascertain general liens,	18 600
same, to ascertain as to payment of same,	19 600
same, creditors how notified to appear,	20 600
same, proof of creditor's liens at,	21 600
creditor how have report corrected; conclusive when confirmed, on rights of creditors,	22 600
proceeds of sale how applied,	23 600
sale not to be delayed by reference,	24 601
proceeds of sale and securities may be how delivered by referees,	25 601
parties may continue action, to determine their claims to proceeds,	26 601
sales in, to be at auction; on what notice,	27 601
terms of sale to be fixed on order of notice,	28 601
separate securities at sale allowed,	29 601
estate in dower, &c., how set off before sale,	30 601
sale conveys what estate,	31 601
gross sum allowed for estates in dower, &c.; how fixed,	32 602
same, if not accepted, court determine,	33 602
proceeds of sale how invested,	34 602
unknown tenants in dower, &c., how protected,	35 602

MINNESOTA STATUTES 1858

GENERAL INDEX.

1017

	Sec. Page.
PARTITION OF REAL PROPERTY , investment for inchoate right of dower, - - -	36 602
proceeds of same, payable to husband if she release to him, - - -	37 602
terms of sale when made known, - - -	38 602
&c., action for, referees and guardians of parties, not to purchase at sale, - - -	39 602
referees report on sale, when completed, to court, - - -	40 603
same, convey and take securities if sale confirmed, - - -	41 603
same, may take incumbrancer's receipt, - - -	42 603
conveyance on sale how recorded; bar what claims, - - -	43 603
same, bar what claims, - - -	44 603
investment of proceeds of sale paid into court, - - -	45 603
security at sale, and investment, in name of district court clerk, - - -	46 603
security on sale, may be in names of parties; how filed, - - -	47 603
clerk of court to collect interest, &c., on investments in his name, - - -	48 603
same, keep account of same, - - -	48 604
how partition equalized by compensation, - - -	49 604
infant's share on sale, payable to guardian, - - -	50 604
share of insane, &c., on sale, payable to guardian, - - -	51 604
guardian, how act for ward as to partition, - - -	52 604
state (territory) may be party to; summons in such case, - - -	53 604
costs of, how paid, - - -	54 604
PARTITION FENCES. <i>See</i> FENCES; PARTITION.	
PARTNERS IN BUSINESS , how taxed, - - -	11 231
may be sued under firm name; process how served, - - -	38 536
PARTNERSHIP. <i>See</i> LIMITED PARTNERSHIP.	
PATENT , action to annul when brought, - - -	6 619
copy of judgment in same, how filed, - - -	18 620
PAUPERS. <i>See</i> OVERSEERS OF POOR; POOR; POOR HOUSE.	
PAY. <i>See</i> COMPENSATION; FEES; SALARY.	
PAYEE , how maintain action or note, - - -	3 375
PEACE. <i>See</i> PUBLIC PEACE; RECOGNIZANCE TO KEEP THE PEACE; RIOTOUS ASSEMBLIES.	
sheriff to preserve, - - -	53 161
PEACE OFFICER. <i>See</i> CIVIL OFFICER; OFFICER; PUBLIC OFFICER.	
PEMBINA COUNTY , created, Revised Statutes, - - -	1 75
to be all territory not in other counties, Revised Statutes, - - -	10 76
organized only as to justices, constables, &c. - - -	13 77
attached to Benton county for judicial purposes, - - -	18 77
justices and constables in, number, appointment, term, - - -	19 77
boundary of, July 20, 1858, - - -	230 107
St. Vincent to be county seat of, - - -	232 107
governor to appoint supervisors of, - - -	233 107
attached to Morrison county for judicial purposes, - - -	49 455
PENALTY. <i>See</i> DAMAGES; FINE; IMPRISONMENT; <i>and under names of offenses.</i>	
for failure to return official copy of laws to register, - - -	9 115
previous to revision of statutes, they do not affect, - - -	12 116
previous to revision of statutes, when they mitigate, - - -	12 116
for injury or detaining book, &c., from state library, - - -	111 136
for misconduct by officers of election of presidential electors, - - -	63 149
of sheriff failing to pay over, - - -	56 162
of sheriff exacting illegal fees, - - -	57 162
of sheriff not making return, - - -	64 163
for delinquent witnesses before coroner's jury, - - -	103 170
for failure in duty by assessor, - - -	116 172
for violation of town regulations, how fixed, - - -	16 181
same, town electors to direct use of, - - -	16 181
due town, who to sue for, - - -	52 188
of failure of town or county officer to pay over, - - -	154 205
delinquency of highway substitute, - - -	171 209
for neglect to maintain partition fence, - - -	237 224
same, - - -	239 224
injuring pound, - - -	256 227
failure of tax collector, &c., to pay over, - - -	56 237
return by county collector of paid tax as unpaid, - - -	31 234
of defaulting county collector, - - -	41 235
defaulting collector or assessor, - - -	68 238
register on failure in duty as to taxes, &c., - - -	100 244
misappropriation of public money, - - -	109 245
delinquent public officer under chapter 9, - - -	110 245
defaulting county treasurer, - - -	111 245
embezzling money by officer under salvage law, - - -	13 258
stopping loose saw-logs, &c., - - -	15 258
taking stray from finder, without consent, - - -	8 261
neglect of finder to advertise, - - -	9 261
same, by finder of lost goods, &c., - - -	14 261
violation of law as to estrays and articles adrift, - - -	44 265
refusal to support pauper by relatives, - - -	1 270
violation of health ordinance, - - -	3 272
non-entry or withholding transfer book of road company, - - -	93 295

MINNESOTA STATUTES 1858

1018

GENERAL INDEX.

	Sec. Page.
PENALTY , injury to property of plank road or turnpike company, - - - - -	110 298
banking by plank road or turnpike company, - - - - -	115 298
violation of law as to manufacturing, &c., company's transfer book, - - - - -	287 328
violation of corporation by-laws, corporation may inflict; amount of, - - - - -	340 334
unlawful sale of liquor to Indians, - - - - -	1 338
violation of bond on liquor license, - - - - -	18 341
sale of liquor after license revoked, - - - - -	19 341
neglect of duty by judge or officer under license law, - - - - -	22 342
injury of fence of orchard, garden, &c., - - - - -	2 368
injury to trees, &c., in public or private grounds, - - - - -	3 369
witness not appearing or not answering, to prove deed, - - - - -	20 399
recording by register of instrument not properly signed, &c., - - - - -	60 405
unlawfully solemnizing marriage; false certificate, - - - - -	13 461
solemnizing same, being unauthorized; or if impediment, - - - - -	14 461
action for limited, may be brought for full amount, - - - - -	9 616
selling unwholesome provisions, - - - - -	1 732
adulterating food, liquor, &c., for sale, - - - - -	2 732
same, drug or medicine, or selling same, - - - - -	3 732
physician prescribing when intoxicated, - - - - -	5 733
for second offenses, - - - - -	17 736
detaining, &c., public arms, - - - - -	48 819
unlawfully taking saw-logs, - - - - -	7 825
unlawfully purchasing, secreting, &c., same, - - - - -	4 820
circulating unauthorized currency, - - - - -	45 863
PENETRATION , evidence of will sustain charge of rape, &c., - - - - -	7 782
PENITENTIARY . See STATE PRISON .	
PERISHABLE PROPERTY , unclaimed, how sold, - - - - -	60 266
taken in attachment, how sold, - - - - -	112 514
same, - - - - -	151 552
sold notwithstanding appeal, - - - - -	21 623
PERJURY , falsely swearing in vote to be, - - - - -	15 141
false swearing on hearing as to town site lands, to be, - - - - -	9 388
imprisonment for committing, - - - - -	1 719
swearing falsely where legal oath required, to be, - - - - -	2 719
subornation of, to be punished as, - - - - -	3 719
inciting to commit, punishment of, - - - - -	4 720
when suspected in party or witness by court, proceedings, - - - - -	5 720
same, how copies taken to be used relative to, - - - - -	6 720
form of indictment for, - - - - -	3 759
or subornation, what indictment sufficient, - - - - -	19 761
PERPETUATION OF TESTIMONY . See under DEPOSITIONS .	
PERSON . See PRIVATE PERSON .	
term includes bodies politic, - - - - -	2 114
defined, as used in acts on crimes and punishments, - - - - -	18 736
PERSONAL ACTIONS . See under ACTIONS; EXECUTORS AND ADMINISTRATORS .	
when survive, (and next sections), - - - - -	1 610
PERSONAL ESTATE . See UNCLAIMED PROPERTY .	
PERSONAL PROPERTY , assessed at true value, - - - - -	113 172
owner sworn as to by assessor; alternative, - - - - -	114 172
where assessed, - - - - -	125 198
held in trust, where assessed, - - - - -	125 198
and "personal estate," what to be, for taxation, - - - - -	3 229
of what institutions, exempt from taxation, - - - - -	4 230
of infirm, &c., assessor may exempt, - - - - -	4 230
where assessed, - - - - -	9 231
held in trust, &c., how assessed, - - - - -	9 231
in joint possession in trust, &c., how assessed, - - - - -	9 231
of corporations, how assessed, - - - - -	12 231
mortgaged or pledged, assessed to whom, - - - - -	14 231
held in trust, &c., assessed at full value, - - - - -	18 232
when sold for taxes, proceedings, - - - - -	69 239
consigned or deposited, consignee or bailee to record description, - - - - -	48 265
same, owner when and how notified, - - - - -	49 265
not claimed, proceedings. See UNCLAIMED PROPERTY , - - - - -	— 265
what cemetery association may hold, - - - - -	46 285
disposition of by will. See WILL .	
intestate. See INTESTATE ESTATE; personal .	
of deceased, first liable for debts and expenses, - - - - -	6 437
executor, &c., must account for how, - - - - -	2 448
same, selling for more or less than appraisal, how account for, - - - - -	3 448
sale of to satisfy debts, &c., how ordered, - - - - -	4 448
executor, &c., selling, to account for, - - - - -	5 448
conveyances of, when void against creditors, - - - - -	1 458
actions to recover, proceedings in. See ACTION .	
to recover personal property, - - - - -	— 548
same, judgment in, - - - - -	70 566
term defined, as to act on crimes and punishments, - - - - -	18 736

MINNESOTA STATUTES 1858

GENERAL INDEX.

1019

	Sec. Page.
PERSONAL PROPERTY, of deceased person. <i>See</i> ADMINISTRATOR; EXECUTOR; DEBTS OF DECEASED PERSONS.	
PERSONATING others to obtain money, &c., to be larceny, - - - - -	32 713
PETIT JURORS. <i>See</i> JURORS.	
PETIT JURY. <i>See</i> JURY.	
PETIT TREASON, distinction between and murder abolished, - - - - -	14 735
PETITION, to town supervisors as to roads; form, - - - - -	189 212
same, posted how, - - - - -	190 212
proceedings on, (and following sections), - - - - -	191 213
against oppressive road damages, proceedings; form, - - - - -	205 218
as to county roads, how made, - - - - -	2 249
same, notice of, - - - - -	3 249
same, board of examiners appointed under, - - - - -	4 249
for territorial road, what to be, - - - - -	10 250
for incorporation of village, contents, - - - - -	122 239
of insolvent debtor, contents, - - - - -	2 655
same, proceedings. <i>See</i> INSOLVENT DEBTOR.	
PEW, deed of, how recorded; fees, - - - - -	25 400
PHRASES; rules for construction of, - - - - -	2 113
technical, how construed, - - - - -	2 113
<i>See</i> CONSTRUCTION OF STATUTES.	
PHYSICIAN; producing death by, &c., while intoxicated, guilty of manslaughter, - - - - -	19 704
prescribing when intoxicated, penalty, - - - - -	5 733
of state prison. <i>See</i> STATE PRISON, physician.	
PHYSICIANS AND SURGEONS. <i>See</i> COUNTY MEDICAL SOCIETY.	
may practice without being members of such society, - - - - -	14 279
when not to testify to information professionally obtained, - - - - -	53 682
PIERCE COUNTY; bounded, act of March 5, 1853, - - - - -	37 79
attached to Nicollet county for judicial purposes, - - - - -	38 79
constables and justices, number, appointment, term of office, - - - - -	39 80
how may become an organized county, - - - - -	42 80
area of, by act of February 20, 1855, - - - - -	83 87
PINE COUNTY; created from Chisago and Ramsey counties, March 1, 1856, - - - - -	143 95
attached to Chisago for judicial and representative purposes, - - - - -	144 95
same, for judicial purposes, - - - - -	49 485
an organized county, - - - - -	152 96
Chengwatana county seat, - - - - -	153 96
governor to appoint county officers, - - - - -	153 96
Kanabec county set off from, March 13, 1858, - - - - -	216 105
voters of to vote on creation of Kanabec county, - - - - -	218 105
PIPE STONE COUNTY; created and bounded, May 23, 1857, - - - - -	184 100
organized; in third judicial and tenth council districts, - - - - -	186 100
attached to Big Sioux county for judicial and elective purposes, - - - - -	194 101
PLAINTIFF. <i>See</i> COMPLAINT; PARTIES TO ACTIONS.	
how proceed if judgment for him on issue of law, - - - - -	42 562
recover what rate of damages, - - - - -	64 565
when has costs of course, - - - - -	2 577
in actions for usurpation or forfeiture of franchise, when private person with state, - - - - -	7 619
refusing defendant's offer to liquidate damages, recover how, - - - - -	10 626
PLANK AND TURNPIKE ROAD COMPANIES. <i>See</i> CORPORATIONS.	
roads where assessed, - - - - -	7 230
how formed; notice of; election of officers, - - - - -	60 287
articles of association, contents, - - - - -	60 287
same, filed before incorporation, - - - - -	61 288
same, payment on stock before filing, - - - - -	62 288
same, certified copy evidence, - - - - -	63 288
same, subscriptions what to specify, - - - - -	61 288
stockholder not vote until assessments paid, - - - - -	62 288
directors, how chosen, duties and power, - - - - -	64 288
same, vacancy how filled; term of office, - - - - -	64 288
not dissolved if no election held; proceedings, - - - - -	65 288
quorum of directors; majority of board bind corporation, - - - - -	66 288
directors choose president, - - - - -	67 289
powers of directors and president, - - - - -	68 289
enter and take lands for survey, and road, &c., - - - - -	69 289
how purchase or receive lands for road, &c., - - - - -	70 289
agreement with county commissioners for road damages, - - - - -	70 289
survey of road acknowledged and recorded, - - - - -	71 289
appraisal of lands when; proceedings, - - - - -	72 290
same, application for; commissioners for, - - - - -	73 290
same, appointment of commissioners, - - - - -	74 290
same, their proceedings and award, - - - - -	75 290
same, agent appointed for land of married woman, idiot, &c., - - - - -	76 291
same, such agent, how regarded, - - - - -	77 291
same, powers and duties of commissioners; their fees, - - - - -	78 291
same, subpoenas for witnesses, - - - - -	79 291
same, appeal from, - - - - -	80 292
same, if no appeal, when appraised damages paid, - - - - -	81 292

MINNESOTA STATUTES 1858

1020

GENERAL INDEX.

	Sec. Page.
PLANK AND TURNPIKE ROAD COMPANIES, same, award when paid to county treasurer,	82 292
same, if appeal, how and when lands may be taken, -	83 292
plankroad, width and construction, -	84 293
turnpike road, same, -	85 293
tollgates and tolls on plankroad, -	86 293
same on turnpike road, -	87 293
tolls, who exempt from, -	88 293
county commissioners when remove tollgate, -	89 293
appeal from such removal, -	89 294
installments how required and paid, -	90 294
shares personal property; transfers, -	91 294
capital stock how increased, -	91 294
notice of commencement of road, -	92 294
service of papers on, -	92 294
list of stockholders and transfers, how kept, -	93 294
same, presumptive evidence, -	93 295
same, penalty for non-entry in, -	93 295
same, penalty for refusing access to or use of, -	93 295
individual liability of stockholders, -	94 295
stockholder paying, may compel contribution, -	94 295
debts, &c., not to exceed what amount, -	95 295
same, if excess, assessment for, -	95 295
stockholders may be made joint defendants with, -	96 295
same, judgment how given, -	96 295
same, execution, how issued, -	96 295
action against, judgment for stockholders not liable, -	96 296
action against stockholders without company when, -	96 296
annual report of directors, what contain, -	97 296
justices to be inspectors of, -	98 296
complaint for ill-repair; gate opened how, -	98 296
notice of opening gate, when shut, -	99 296
when gate near place out of repair is in next county, -	100 296
appeal from order to open gate; proceedings, -	101 297
penalty for misconduct by gate-keeper, -	102 297
justice's fees on complaint as to road, -	103 297
same, how collected, -	104 297
penalty for delaying travelers, or excessive toll, -	105 297
judgment against gate-keeper, how collected, -	106 297
rates of toll, how posted, -	107 297
gate-keeper detain persons when, -	108 297
liable for damages from non-repair, -	109 298
injury to road a misdemeanor; penalty, -	110 298
wrongfully passing or avoiding gate; penalty, -	111 298
when to cease existence, -	112 298
visitation of, by whom, -	113 298
legislature may make regulations for, -	114 298
not to exercise banking powers; penalty, -	115 298
PLEA, in criminal case before justice, how entered, -	185 524
same, if refused, entry of not guilty, -	185 524
same, if of not guilty, action to proceed, -	186 524
of benefit of clergy, abolished, -	14 735
to indictment, three kinds of, are what, -	1 766
same, must be oral, and entered in minutes, -	2 766
same, form of entry, -	3 766
of guilty, when can be put in, -	4 767
same, when may be withdrawn, -	5 767
of not guilty, denies what, -	6 767
same, what matters of fact evidence under, -	7 767
same, entered, if defendant refuse to plead, -	11 767
on what, issue of fact arises, -	1 769
defendant has what time after to prepare for trial, -	3 771
PLEADING. See ANSWER; COMPLAINT; DEMURRER; INDICTMENT; ISSUE; REPLY.	
in action for town site lands, contents of, -	5 387
on hearing before judge for same, what to be, -	9 388
on trial in district court of title to same, what, -	10 388
by administrator, that he has fully administered, -	51 446
none in probate court, -	7 490
in justice's court, when take place, -	24 501
same, are what, -	25 501
same, may be oral or in writing; in what form, -	26 501
same, complaint what to contain, -	27 501
same, answer what to contain, -	28 501
same, answer containing counter claim may be replied to, -	29 501
same, statement of having no sufficient knowledge of allegation how construed, -	30 501
same, of written instrument, -	31 501
same, verified by oath of party, -	32 502
same, material allegations in not denied, taken to be true, -	33 501
same, defective, how objected to, -	34 502

MINNESOTA STATUTES 1858

GENERAL INDEX.

1021

	Sec. Page.
PLEADING, same, variance between proof and, immaterial, - - - - -	35 502
same, may be amended when; costs on amendment, - - - - -	36 502
same, adjournment after, - - - - -	37 502
same, in attachment case, to be as in other cases, - - - - -	118 516
general provisions as to, - - - - -	— 539
defined, - - - - -	60 539
previous forms abolished; statutory substituted, - - - - -	61 539
of plaintiff and defendant, enumerated, - - - - -	62 530
sham and frivolous, stricken out, - - - - -	74 541
general rules of, - - - - -	— 542
what allowed, - - - - -	76 542
how subscribed and verified, - - - - -	77 542
account how set up in, - - - - -	78 542
allegations of liberally construed, - - - - -	79 542
irrelevant or redundant matter stricken out, - - - - -	80 542
double, not statutory, uncertain, &c., how stricken out or amended, - - - - -	80 542
judgment, &c., how set up, - - - - -	81 542
performance of conditions precedent, how set up, - - - - -	82 542
private statute, same, - - - - -	83 543
in slander suit, what, - - - - -	84 543
same, answer may plead truth, and mitigation, - - - - -	85 543
material allegations not denied, taken as true, - - - - -	88 543
allegations of new matter in reply, effect of, - - - - -	88 543
material allegations in defined, - - - - -	89 543
variance in. <i>See</i> VARIANCE, - - - - -	— 443
when failure of proof on, - - - - -	92 543
how amended of course without costs, - - - - -	93 544
when court may allow amendment of, - - - - -	94 544
mistake, &c., on, when party may be relieved from, - - - - -	94 544
how defendant designated if name unknown, - - - - -	95 544
errors and defects not affecting rights of parties, to be disregarded, - - - - -	96 544
supplemental, when allowed, - - - - -	97 544
when to be filed with clerk, - - - - -	30 628
of lost, court authorize use of copy, - - - - -	31 629
on application for mandamus, (and next section,) - - - - -	10 632
PLURAL NUMBER, word in, may include singular, - - - - -	2 113
POISON, penalty for attempt to murder by giving, - - - - -	32 706
penalty for putting in food, &c., or well, &c., - - - - -	43 707
penalty for giving by intoxicated physician, - - - - -	5 733
penalty for selling unlabeled by apothecary, - - - - -	6 733
POLK COUNTY, created, bounded, July 20, 1858, - - - - -	231 107
Douglas temporary county seat of, - - - - -	232 107
governor to appoint supervisors of, - - - - -	233 107
POLL BOOKS, furnished how, - - - - -	10 140
disposition of after election, - - - - -	29 143
how provided for county, - - - - -	48 146
at election of presidential electors, how deposited, - - - - -	59 148
same, how delivered to secretary of state, - - - - -	60 148
same, how used for canvass, - - - - -	61 149
mileage for carrying, - - - - -	38 145
POLL LIST, clerk of election to keep, - - - - -	19 141
compared at adjournment of polls, - - - - -	20 141
how kept over adjournment, - - - - -	21 142
how used in canvass, (and next sections,) - - - - -	26 142
clerk of town meeting to keep; form, - - - - -	26 183
POLLS. <i>See</i> under ELECTIONS.	
POLYGAMY, what punishment for, - - - - -	2 728
what cases not considered, - - - - -	3 728
POOR, of counties, commissioners have charge of, - - - - -	15 155
same, supervisors have charge of, - - - - -	110 196
same, commissioners to appoint overseer of, - - - - -	16 155
town overseers of account to county supervisors, - - - - -	110 196
unable to support themselves, laws for relief and support of, - - - - -	— 270
same, what relatives to support, - - - - -	1 270
same, from intemperance, &c., what relatives must support, - - - - -	1 270
same order of liability to support by relatives, - - - - -	2 270
same, without relatives, county to support, - - - - -	3 270
minors, apprenticed, - - - - -	4 270
non-resident not pauper, sick, how supported, - - - - -	5 271
pauper, residence requisite for relief, - - - - -	6 271
same, when removable from county, - - - - -	7 271
same, mode of removal, - - - - -	7 271
same, when not entitled to support, - - - - -	8 271
same, work houses for, - - - - -	9 271
same, penalty for bringing into county, - - - - -	10 271
POOR-HOUSE, county supervisors have charge of, - - - - -	111 196
POSSE COMITATUS. <i>See</i> POWER OF THE COUNTY.	
POSTHUMOUS CHILDREN, take estate limited to heirs, issue, or children, - - - - -	30 380

Chap 16
w 48
1864

MINNESOTA STATUTES 1858

	Sec.	Page.
POSTHUMOUS CHILDREN, defeat future estate contingent on death without same,	31	380
considered living at death of parents,	12	413
POUND, when erected; to be under charge of pound-master,	83	192
when may be discontinued,	84	192
county may erect and maintain,	255	227
penalty for injuring,	256	227
village trustees may establish,	138	302
POUND-MASTERS; when chosen; number of,	14	180
same,	16	181
notice of acceptance by; form of,	36	184
result of neglect to file same,	36	184
fine for refusal to serve,	44	186
fees of,	73	191
to have care of pound,	83	192
village trustees may appoint,	138	302
POWER RELATING TO LANDS, laws as to,	—	391
except as allowed by statute abolished,	1	391
defined; who may grant,	2	392
who may not grant,	3	392
divided into general or special; beneficial or in trust,	4	392
general, what,	5	392
special, what,	6	392
beneficial, what,	7	392
general and beneficial may be given to married woman, how,	8	392
absolute; when change life estate into fee; limitations,	9	392
same, when give other persons a fee; what limitation,	10	392
same, if no remainder limited on grantee's estate, fee passes,	11	392
to devise inheritance, when an absolute power,	12	392
what deemed absolute,	13	392
of revocation reserved to grantor, makes him absolute owner,	14	392
special and beneficial, when may be given to married woman,	15	392
same, when may be given to tenant for life,	15	392
of tenant for life to lease, how assigned and extinguished,	16	392
same, he may release, how; effect,	17	393
same, of married woman, not extinguished or suspended by his or her mortgage,	18	393
same, of married woman, effect on of mortgage,	19	393
beneficial, what to be valid,	20	393
special and beneficial, how liable to creditors,	21	393
general, when in trust,	22	393
special, when in trust,	23	393
in trust, when imperative,	24	393
same, right of election does not prevent from being imperative,	25	393
disposition under to persons where shares not fixed,	26	393
trustee of, when may allot fund, &c., at discretion,	27	393
same, dying, court of chancery execute,	28	393
in trust, executed by court of chancery if trustee not named,	29	394
same, and grantees thereof, certain provisions apply to,	30	394
same, creditors or assignees may compel, when,	31	394
beneficial, and title to compel execution of, pass by assignment for benefit of creditors,	32	394
what grantor may reserve to himself,	33	394
how may be granted,	34	394
to be lien on lands embraced in it, how,	35	394
irrevocable, unless clause of revocation,	36	394
who may hold and execute,	37	394
when married woman may execute,	38	394
vested in several persons, all must unite in executing,	39	394
same, survivors may execute,	39	394
what instrument necessary to execute,	40	394
what instrument in execution of, deemed a conveyance,	41	394
of disposition by will, what will must be,	42	395
of disposition by grant, cannot be executed by will,	43	395
married woman executing by grant, acknowledge it how,	44	395
directed to be executed by insufficient instrument, not void,	45	395
superfluous formalities directed in executing, need not be observed,	46	395
nominal conditions annexed to, may be disregarded,	47	395
directions of grantor as to, how must be regarded,	48	395
consent of third party to execution of, how made and acknowledged,	49	395
dispositions greater than authorized by, how far valid,	50	395
grant in execution of, valid though power not recited,	51	395
instruments in execution of, fraud affects how,	52	395
to devise lands, when they pass in will conveying all real estate,	53	395
parent giving estate or interest to descendant by, when such estate, &c., an advance- ment,	54	395
instrument in execution of, may suspend right of alienation from what time,	55	396
same, can pass no estate, &c., except what grantee could take under instrument granting power,	56	396
married women authorized to dispose of fee under, may erect what estate,	57	396
in trust, if execution of defective, completion decreed how,	58	396

MINNESOTA STATUTES 1858

GENERAL INDEX.

1023

	Sec. Page.
POWER RELATING TO LANDS, relief for purchasers under defective, execution of, - - - - -	59 396
to sell, in mortgage to secure payment, how vested and executed, - - - - -	60 396
act as to, not apply to power of attorney to convey lands, &c., - - - - -	61 396
grantor and grantee of, terms defined, - - - - -	62 396
to convey lands; instrument containing not a conveyance, - - - - -	31 400
POWERS, &c., same, if recorded, has effect of conveyance, - - - - -	31 400
same, if recorded, how revocable, - - - - -	32 401
POWER OF ALIENATION. <i>See</i> ALIENATION, POWER OF.	
POWER OF ATTORNEY. <i>See</i> LETTER OF ATTORNEY.	
POWER OF ATTORNEY TO CONVEY LANDS, what provisions not to apply to, - - - - -	61 396
to convey lands, husband and wife may make joint, - - - - -	43 402
same, how acknowledged by wife, - - - - -	44 402
POWER OF THE COUNTY, sheriff may call out, - - - - -	53 161
PRACTICE, supreme court make rules of, - - - - -	5 475
same, - - - - -	29 481
PRAIRIE, &c., setting on fire, penalty for, - - - - -	49 715
same, - - - - -	50 715
when may be done; on what notice, - - - - -	51 716
penalty how recovered, - - - - -	51 716
same, duty of all persons to prosecute for, - - - - -	52 716
PRECEDENT ESTATE. <i>See</i> EXPECTANT ESTATE; FUTURE ESTATE; REMAINDER; REVERSION.	
PRECEDING, following, terms how construed, - - - - -	2 114
PRECINCT. <i>See</i> ELECTION PRECINCTS.	
PRECINCT OFFICERS, when to be elected, - - - - -	1 131
where to be voted for, - - - - -	13 149
certificate of election of, how given, - - - - -	31 143
term of office begins when, - - - - -	43 146
same, in case of vacancy, - - - - -	44 146
act regulating contested election of, - - - - -	— 150
contested election of, decided by judge of probate, - - - - -	72 150
PRE-EMPTION, conveyances, &c., as to, valid in certain cases, - - - - -	66 405
controversies on, provisions as to witnesses, - - - - -	89 688
same, compulsory process for witnesses, - - - - -	98 688
same, subpoenas in when issued, - - - - -	99 688
same, contents of subpoena, - - - - -	100 688
same, fees of witnesses, - - - - -	101 688
same, liability for damages, of witness not appearing, - - - - -	102 688
same, penalty for refusal to answer questions by witness, - - - - -	103 688
same, attachment for contempt, - - - - -	104 689
same, act as to not interfere with sec. (53), page 681, - - - - -	105 689
United States laws relative to, - - - - -	— 875
same, forms under, - - - - -	— 877
right of owner of to action for damages from mill-dam company, - - - - -	18 849
same, damages to be equitable; appeal allowed, - - - - -	18 849
PREGNANT WOMAN, producing abortion on when manslaughter, - - - - -	11 703
PRESENTMENT, when grand-jury proceed by, - - - - -	31 752
defined, - - - - -	33 752
how many grand-jurors must concur in; foreman to sign, - - - - -	46 753
when found, how presented to court, - - - - -	47 753
testimony to be returned with, - - - - -	48 753
form of bench warrant on, - - - - -	56 754
proceedings on arrest on, - - - - -	58 754
magistrate before whom party brought, to have copy of, - - - - -	69 754
if twelve jurors do not concur in, dismissed, - - - - -	61 755
PRESIDENT OF CORPORATION. <i>See</i> under names of corporations.	
PRESIDENT OF SENATE, may administer oath to members, - - - - -	4 120
to certify to compensation of members, - - - - -	12 121
pay of, - - - - -	14 121
to call senate to order at organization, - - - - -	23 122
oath of, - - - - -	28 123
to appoint two messengers; their pay, - - - - -	30 123
when to supply vacancy in place of governor, - - - - -	10 126
to sign certificate of election to United States senate, - - - - -	54 147
PRESIDENT OF VILLAGE, member of board of health, - - - - -	1 272
duties therein. <i>See</i> BOARD OF HEALTH.	
election and term of office, - - - - -	133 301
duties, - - - - -	134 301
vacancy in office, how filled, - - - - -	137 301
PRESIDENTIAL ELECTORS, act providing for choosing, - - - - -	— 148
governor to proclaim election for, - - - - -	57 148
time of election; number of electors chosen, - - - - -	58 148
who not eligible as, - - - - -	58 148
returns of election, how disposed of, - - - - -	59 148
register to send returns to secretary of state, - - - - -	60 148
canvass of vote for, - - - - -	61 149
when and where to meet, - - - - -	62 149
punishment of officers of election for, neglect of for duty, - - - - -	63 149
to notify governor of arrival; vacancies filled, - - - - -	64 149

MINNESOTA STATUTES 1858

1024

GENERAL INDEX.

	Sec. Page.
PRESIDENTIAL ELECTORS, tie for vacancy, proceedings, - - - - -	65 149
governor to notify person chosen to vacancy, - - - - -	66 150
compensation of, - - - - -	67 150
same, of judges, &c., of election for, - - - - -	68 150
PRESUMPTIONS OF LAW, need not be stated in indictment, - - - - -	14 760
PRESUMPTION OF LEGALITY of acts done as corporation, - - - - -	329 333
PRETENCES, FALSE, punishment for obtaining property by, - - - - -	33 713
PREVENTION OF CRIME. <i>See</i> RECOGNIZANCE TO KEEP THE PEACE, - - - - -	740
PRIEST, when not to testify to confessions made to him, - - - - -	53 682
PRINTING. <i>See</i> PUBLIC PRINTING.	
relative to tax sales, &c., fees, - - - - -	115 246
of laws, in newspaper at capital, - - - - -	5 115
duty of secretary of council and clerk of representatives as to, - - - - -	24 117
state printer to publish in newspaper at St. Paul, - - - - -	25 117
style of, similar to Swan's Ohio Revised Statutes, - - - - -	31 118
PRISON. <i>See</i> JAIL; STATE PRISON. 113 1862	
sheriff to have custody of, - - - - -	52 161
PRISONER. <i>See</i> ESCAPE; JAIL; STATE PRISON.	
sheriff to have custody of, - - - - -	52 161
charge of keeping how paid, - - - - -	3 788
provisions for cleanliness of, - - - - -	8 789
provided with Bible or Testament; clergymen admitted to, - - - - -	9 789
how confined at hard labor, (and next section,) - - - - -	13 789
unruly, penalty, - - - - -	14 790
breaking prison, penalty, (and next sections,) - - - - -	17 790
how placed in case of fire, - - - - -	20 790
poor, for non-payment of fine or costs, how discharged, - - - - -	21 790
in jail, cost of keeping how paid, - - - - -	28 791
in jail, county when pay for support of, - - - - -	29 792
juvenile, how treated, - - - - -	35 792
PRIVATE PERSON; when may make arrest, - - - - -	17 744
inform of cause before making, - - - - -	18 744
may break in door or window to arrest, - - - - -	19 744
having arrested, must carry person before magistrate, - - - - -	20 744
PRIVATE SECRETARY; governor's, appointment and duty of, - - - - -	12 126
PRIVATE STATUTE; how pleaded, - - - - -	83 643
same, in indictment, - - - - -	16 760
PRIVILEGES OF REPRESENTATIVES. <i>See</i> HOUSE OF REPRESENTATIVES.	
PROBATE BONDS; how fixed and taken, - - - - -	1 453
when creditor of deceased may sue on, - - - - -	2 453
when next of kin to deceased may sue on, - - - - -	3 453
when court may authorize person interested to sue on, - - - - -	4 453
court order suit on, if executor, &c., disobeys order of court, - - - - -	5 458
suits on, how brought, - - - - -	6 453
duty of court on application to sue, - - - - -	7 453
if judgment for an individual plaintiff, execution how, - - - - -	8 454
same, in other cases, - - - - -	9 454
disposition of money recovered in suit on, - - - - -	10 454
scire facias on judgment on, - - - - -	11 454
executor or representative may sue on, - - - - -	12 454
PROBATE COURT. <i>See</i> ADMINISTRATOR; EXECUTOR.	
assignment of dower by, - - - - -	8 408
same, warrant to appoint commissioners, - - - - -	9 408
same, proceedings and return of commissioners, - - - - -	10 408
may order as to investment of proceeds of sale of lands by guardian, - - - - -	4 414
authority and proceedings as to sale of lands by guardian of minor, lunatic or spend-thrift. <i>See under</i> GUARDIAN.	
same, as to sale of lands by executor, &c. <i>See under</i> EXECUTOR OR ADMINISTRATOR.	
wills in custody of persons, to be delivered to, - - - - -	14 427
notice of time and place of proving will before, - - - - -	18 427
grant probate of uncontested will on what testimony, - - - - -	19 428
admit what witnesses to will, if subscribing ones non-resident, - - - - -	20 428
appoint hearing on will probated abroad, - - - - -	23 428
grant letters testamentary or of administration on same, - - - - -	25 428
how make allowance for support of widow and children, - - - - -	30 429
may exempt devises and legacies from what liability, - - - - -	33 429
fix liability of heirs, &c., to contribute, - - - - -	37 430
how certify to proof of will, to make same evidence, - - - - -	38 430
grant letters testamentary when, - - - - -	1 431
direct as to executor's bond, (and next section,) - - - - -	2 431
issue letters testamentary if executor decline, - - - - -	3 431
remove executor when, - - - - -	9 432
duties of us to intestate estate. <i>See under</i> ADMINISTRATOR; INTTESTATE ESTATE.	
appoint appraisers of estate of deceased, - - - - -	2 437
cite person suspected of embezzling from estate of deceased, - - - - -	8 437
same, commit on refusal to answer, - - - - -	9 438
compel account of person entrusted with estate of deceased, - - - - -	10 438
approve of compromise with debtor of deceased, - - - - -	11 438

MINNESOTA STATUTES 1858

GENERAL INDEX.

1025

	Sec.	Page.
PROBATE COURT, appoint commissioners on claims against estate of deceased,	1	440
same, their duties. <i>See</i> COMMISSIONERS, &C.		
direct as to publication of notice of meeting of same,	3	440
appoint substitute for any of same,	4	440
fix time allowed for presenting claims,	5	440
extend same, how far,	6	440
re-open same commission, when,	7	440
act instead of so re-opening,	8	441
approve bond on appeal from commissioners on estate,	21	442
direct as to notice of appeal,	23	442
fix limitation of time for paying debts of deceased,	31	443
extend same; how far,	32	443
appoint hearing for extension of same; notice,	33	444
extend same if new administrator, &c., appointed, how,	34	444
order as to payments on insolvent estate,	38	444
same, suspended if appeal from commissioners,	39	444
order payment of disputed claim on same, when decided,	40	444
order successive distributions on same,	41	445
notify limitation of time for payment from same,	43	445
duty of as to contingent claims against estate. <i>See</i> CONTINGENT CLAIMS.		
order sale of personal estate of deceased how,	4	448
appoint persons to decide payment by executor for use of estate,	7	448
order retention of estate of deceased for support of children,	1	450
duty of as to partition and distribution of estates. <i>See</i> PARTITION AND DISTRIBUTION OF ESTATES.		
decree, conveyance by executor in fulfillment of contract by deceased,	1	455
same, notice of petition and hearing for decree,	2	455
same, proceedings,	3	455
same, decree for conveyance, when awarded,	4	455
same, appeal from; proceedings,	5	455
same, if petition dismissed, bill in chancery for,	6	455
conveyance by order of, how effectual,	10	456
copy of decree of for conveyance, to be evidence,	11	456
decree by, for conveyance how may be enforced by process,	12	456
decree, conveyance to heirs, &c., of person entitled,	13	456
authority as to appointment, &c., of guardians. <i>See under</i> GUARDIAN.		
complaint against master for ill treating apprentice in,	12	472
same, proceedings and decree,	13	472
same, costs, how taxed,	14	473
complaint against apprentice for misbehavior, or refusal to do duty,	23	473
same, notice of,	23	473
same, decree in,	24	473
provisions as to,	—	489
established,	1	489
jurisdiction of, (and next section),	2	489
same, of one, exclusive of others,	4	489
held by judge; in his absence, by district attorney,	5	489
always open for business; special court on first Monday of each month,	6	489
no pleadings in; proceedings are what,	7	490
when keep office open; where hold court,	8	490
what books of record kept in,	9	490
register in, what to contain,	10	490
books of, to be indexed alphabetically,	11	490
costs in, how awarded; costs and fees, limit of,	14	491
execution may be issued by,	15	491
process of, by whom executed,	16	491
appeal from. <i>See under</i> APPEALS.	43	494
clerk of, judge appoint,	47	495
same, appointment, how made; revocable,	48	495
same, where keep office,	49	495
same, bond and oath of,	50	495
same, liable to action for neglect of duty,	51	495
same, duty of,	52	495
to be court of record and have seal; judge fix on same,	53	495
appeal from, first to district court,	47	630
PROBATE JUDGE, when elected,	1	139
to decide contested precinct and town elections,	72	150
same, his proceedings,	73	151
same, his certificate of result,	74	151
same, appeal from his decision,	74	151
act as to duties, &c., of,	—	165
to be elected; oath; bond,	76	165
to keep record of doings, and same to be open to inspection,	77	165
may administer oaths,	78	165
to deliver books, &c., to successor; under what penalty,	79	165
to be court commissioner, &c., duties and fees,	80	166
commissioners to provide stationery, &c., for,	11	165
copies of papers, &c., when evidence,	185	175

MINNESOTA STATUTES 1858

1026

GENERAL INDEX.

	Sec. Page.
PROBATE JUDGE , when county commissioners fill vacancy, - - - - -	7 247
duty if tie vote for road commissioner, - - - - -	15 251
may take acknowledgments of deeds, - - - - -	75 406
wills, how deposited with for safe keeping, - - - - -	11 427
same, how to be delivered, or opened by, - - - - -	12 427
same, notice by, of possession of, - - - - -	13 427
successor of complete unfinished business, - - - - -	12 491
cannot be counselor or attorney, in what case, - - - - -	13 491
has custody of idiots, lunatics, habitual drunkards, &c., - - - - -	17 491
appoint guardians for same; their duties, - - - - -	18 491
guardians for same, duties of judge of probate as to. <i>See</i> GUARDIAN; <i>also</i> IDIOT;	
INSANE, - - - - -	— 491
same; proceedings on appointment of guardian (and following sections,) - - - - -	19 491
same, appoint appraisers on estate of; inventory, how made, - - - - -	30 493
same, order sale of real estate, - - - - -	33 493
same, order sale or mortgage when disability of, not to be permanent, - - - - -	34 493
same, how guardian of under control of judge, - - - - -	36 493
how proceed on application to remove guardian, (and next section,) - - - - -	39 493
fees of on appointing guardian, - - - - -	41 494
may appoint clerk of probate, - - - - -	47 495
PROCESS. <i>See also under names of process.</i>	
civil not to be served on voter on election day, - - - - -	45 146
when coroner to serve instead of sheriff, (and next section,) - - - - -	97 169
in suits as to towns, served on supervisor, - - - - -	77 191
for witnesses on road appeal, - - - - -	199 216
how served on institution of learning, - - - - -	228 317
not to abate on vacancy, &c., in district judgeship, - - - - -	9 479
tested when term of district court not held, - - - - -	10 479
adjournment of same not to affect return of, - - - - -	11 479
of district court, tested how, - - - - -	12 479
same, how sealed and returnable, - - - - -	13 479
indorsed with name of attorney, &c., demanding, - - - - -	14 479
of probate court, who to serve, - - - - -	16 491
of justice, in what name; date, signature, direction, - - - - -	10 499
same, how returned, - - - - -	12 499
same, person when deputed to serve, - - - - -	17 500
same, to be signed, and either sealed or not, - - - - -	163 520
same, to contain no blank, - - - - -	164 520
how served on partners sued in firm name, - - - - -	38 536
civil, not to be served on Sunday, - - - - -	21 730
PROCLAMATION , governor to issue for thanksgiving, - - - - -	8 127
governor to issue for extra session of legislature, - - - - -	9 127
governor to issue for presidential electors, - - - - -	57 148
PROFITS OF LAND. <i>See under</i> LAND.	
PROHIBITION. <i>See</i> WRIT OF PROHIBITION.	
PROMISSORY NOTE. <i>See</i> NEGOTIABLE PROMISSORY NOTE.	
form of protesting, - - - - -	95 134
notarial process <i>prima facie</i> evidence of protest, - - - - -	96 134
fees on protesting, - - - - -	97 134
act relating to, - - - - -	— 375
how negotiable, - - - - -	1 375
signed by authorized agent, binding, - - - - -	2 375
payee, indorsee or holder, how maintain action on, - - - - -	3 375
payable to order of maker or fictitious person, effect of, - - - - -	4 375
days of grace, how allowed on, - - - - -	5 375
what holidays allowed with respect to, - - - - -	10 376
falling due on holiday, payable day before, - - - - -	11 376
persons severally liable on, may be made parties to same action, - - - - -	36 535
negotiable, how recovery on if lost, (and next section), - - - - -	74 684
in actions on by indorsee, possession <i>prima facie</i> evidence of indorsement, - - - - -	85 687
PROPERTY. <i>See</i> ESTRAY; PERISHABLE PROPERTY; PERSONAL ESTATE; REAL ESTATE; SALVAGE; UNCLAIMED PROPERTY.	
adrift or cast ashore. <i>See</i> SALVAGE.	
unclaimed, when vests in finder, - - - - -	20 262
worth over \$10; notice of to justice, - - - - -	21 262
same, justice's warrant to constable to sell; sale, - - - - -	22 262
who may reclaim, - - - - -	36 264
compensation for securing; surrendered how, - - - - -	37 264
proceedings if surrender refused, (and next sections), - - - - -	38 264
advertised when, - - - - -	43 264
penalty for violating law as to, - - - - -	44 265
term defined as used in acts on crimes and punishments, - - - - -	18 736
stolen or embezzled, coming into hands of officer, he how to hold, - - - - -	39 785
same, returned to owner on proof of title and payment of expenses, - - - - -	40 785
same, coming into hands of magistrate, returned to owner on payment of expenses, - - - - -	41 785
same, court may order delivered to owner, - - - - -	42 785
unclaimed. <i>See</i> UNCLAIMED PROPERTY.	
PROSECUTIONS. <i>See</i> ACTION; INDICTMENT.	

MINNESOTA STATUTES 1858

GENERAL INDEX.

1027

	Sec.	Page.
PROSECUTIONS, pending at revision of statutes, they not to affect, - - - - -	13	116
same, proceedings when they modify, - - - - -	72	132
attorney-general to institute at governor's request, - - - - -	73	132
attorney-general to institute on delinquent official bonds, - - - - -	74	132
attorney-general to institute for violations of tax laws, - - - - -	62	188
for penalties due towns, who to try, - - - - -	4	339
for unlawful sale of liquor to Indians, - - - - -	8	339
same, - - - - -	4	339
for leaving horses of public carriage unfastened; when to be commenced, - - - - -	4	369
for injuring trees, shrubbery, gardens, &c., or fences around them, what complaint sufficient, - - - - -	5	369
same, when to be commenced, - - - - -	9	729
PROSTITUTION, keeping house of, how punished, - - - - -	10	729
lease of house used for, voidable, - - - - -	95	134
PROTEST, notary public to make; form of, - - - - -	96	134
instrument of, <i>prima facie</i> evidence, - - - - -	97	134
fees of, - - - - -	8	376
of foreign bill of exchange, damages in, how computed, - - - - -	9	376
of inland bill of exchange, damages on, - - - - -	10	376
holidays as to, what, - - - - -	38	282
PROTESTANT EPISCOPAL CHURCH, how incorporated, - - - - -	38	282
election of officers, - - - - -	38	283
certificate of such election, - - - - -	38	283
who form vestry and be trustees, - - - - -	38	283
vacancy in vestry or rectorate, proceedings, - - - - -	1	732
PROVISIONS, penalty for selling unwholesome, - - - - -	2	732
adultering, penalty of, - - - - -		
PUBLIC ACTS. <i>See</i> STATUTES.		
PUBLIC ARMS, assistant quarter-master to have what charge of, - - - - -	47	818
penalty for detaining, secreting, &c., - - - - -	48	819
governor to have charge of, - - - - -	1	824
same, commute how, - - - - -	2	824
PUBLIC BUILDINGS for counties, counties may provide, - - - - -	254	110
<i>See</i> COUNTY BUILDINGS.		
PUBLIC CARRIAGES, penalty for employing drunken driver on, - - - - -	3	347
penalty for leaving horses of unfastened by driver, - - - - -	4	347
owner of liable for damages caused by driver, - - - - -	5	347
PUBLIC DOCUMENTS, printed by public printer, official, - - - - -	9	269
PUBLIC GROUNDS, penalty for injuring trees, &c., in, - - - - -	3	369
PUBLIC HEALTH, laws as to, - - - - -	—	272
<i>See</i> BOARD OF HEALTH.		
PUBLIC LANDS. <i>See</i> PRE-EMPTION.		
receiver's receipt, &c., evidence of title to, - - - - -	88	686
certified plots of surveys of, evidence of same, - - - - -	90	687
granted by congress, act accepting, - - - - -	1	843
for public buildings, governor how select, - - - - -	20	846
PUBLIC LIBRARY, how exempt from taxes, - - - - -	4	230
PUBLIC MONEY, penalty for officer's misappropriation of, - - - - -	109	245
when governor remove collector or receiver of, - - - - -	5	247
person converting to their own use, guilty of embezzlement, - - - - -	26	711
same, penalty for, - - - - -	27	712
PUBLIC OFFENSE. <i>See</i> OFFENSE.		
PUBLIC OFFICE, seal of, what taken as, - - - - -	2	114
PUBLIC OFFICERS. <i>See</i> OFFICIAL SECURITY.		
majority of joint, have power of, - - - - -	2	114
penalty for misappropriating public money by, - - - - -	109	245
failing in duty under chapter 9 to be misdemeanor; penalty, - - - - -	110	245
penalty for embezzling by under salvage act, - - - - -	13	258
search for liquor within Sioux purchase, - - - - -	8	339
destroy same, - - - - -	9	340
break up distillery in same, - - - - -	11	340
not prosecuting for trespass on school, &c., lands; penalty, - - - - -	9	363
seals of, what to be, - - - - -	5	374
same, how procured, - - - - -	6	374
not to receive fees, &c., greater than law allows, - - - - -	36	593
not to receive fees, &c., unless service done, exception, - - - - -	37	593
penalty for violating last two sections, - - - - -	38	593
what, may sue officially; by what name, - - - - -	12	616
action by, may be for what cause, - - - - -	13	616
action against, what are causes of, - - - - -	15	616
same, how may be brought, - - - - -	16	616
when not testify to confidential official communications, - - - - -	63	682
PUBLIC PEACE, provisions for preventing offenses against, - - - - -	—	723
PUBLIC PRINTER, when deliver copies of laws, &c., - - - - -	3	267
when deliver copies of journals of houses, &c., - - - - -	4	267
failure by, suit on bond, - - - - -	6	268
removable by joint resolution, how; substitute elected, - - - - -	6	268
laws, &c., printed by, official, - - - - -	9	269

MINNESOTA STATUTES 1858

1028

GENERAL INDEX.

	Sec.	Page.
PUBLIC PRINTING , secretary when employ substitute,	6	268
laws relative to,	—	267
style of; standard of,	1	267
of journals of legislature, style; who supervise,	2	267
incidental, of legislature, who direct,	5	267
failure in suit on bond,	6	268
proposals for, specifications, award, &c.,	7	268
same, bonds to accompany bid; bonds what,	7	269
of laws, &c., of indexes, when to be done,	8	269
auditor of state to audit accounts, &c.,	10	269
payments for, how made,	10	269
PUBLIC PROPERTY , governor have charge of,	7	824
governor appoint person to have care of, &c., salary,	3	824
PUBLIC REVENUE , auditor to report on,	29	128
<i>See</i> AUDITOR OF STATE; TREASURER OF STATE.		
PUBLIC ROADS. <i>See</i> COUNTY ROADS; HIGHWAYS; ROADS; TERRITORIAL ROADS.		
declared town highways,	213	220
not to be less than four rods wide,	214	220
vacated, owners may inclose, &c.,	9	250
person not connected with, how may have cartway,	13	250
trees may be set out on; penalty for injuring,	334	254
validity of, location of certain,	38	255
railroad crossing; to erect sign; damage from neglect,	259	322
PUBLIC SCHOOLS , department of, printing for,	7	268
<i>See</i> SUPERINTENDENT OF PUBLIC SCHOOLS.		
PUBLIC SHOWS AND EXHIBITIONS , act regulating,	—	346
county commissioners license,	1	346
penalty for exhibiting without license,	2	346
when county treasurer may license,	2	346
city and village authorities may license,	3	346
PUBLIC WORSHIP. <i>See</i> RELIGIOUS MEETINGS.		
PUBLICATION , orders of, who may grant,	130	174
PUNISHMENT. <i>See</i> JUDGMENT, IN CRIMINAL CASE; PENALTY; and under names of offenses and penalties.		
how modified by revised statutes,	12	116
for breach of privilege of legislature,	2	120
same,	3	120
for violation of act on auditor's duties,	46	129
where none provided by statute, court fix,	1	779
PURCHASER ; meaning of term, in chapter on deeds and mortgages,	29	400
same,	62	405
with notice, what conveyance to valid,	2	457
for valuable consideration, when protected against fraud,	5	459
QUAKERS , marriage to in forms of valid,	16	461
QUALIFICATIONS FOR OFFICE. <i>See</i> under names of offices, also, OATH OF OFFICE; BOND, OFFICIAL.		
of appointees to vacancies, what,	8	248
QUALIFICATIONS , of voter at town meeting,	21	182
for being town officer, what,	32	184
for county auditor,	102	194
justice of the peace,	227	221
for member at formation of county medical society,	2	277
candidate for diploma and membership,	6	278
voter at church election,	16	279
same, elections after first,	29	281
same, clerk of church trustees to test,	30	281
voter on incorporation of village,	127	300
voter at village election,	132	300
village officers,	132	301
voter in school district,	63	358
bail,	114	547
sureties on undertaking in action for delivery of personal property,	137	550
referees,	53	563
grand-jurors,	3	749
petit jurors,	3	770
for holding office, six months' residence to be one of,	3	851
QUIT CLAIM AND RELEASE , effect of deed of,	3	897
QUO WARRANTO , abolished; substitute,	1	618
QUORUM ; in legislature, how secured,	32	123
of county supervisors, majority to be; exception,	99	194
of road company board of directors,	66	286
RAFT , salvage on. <i>See</i> SALVAGE.		
RAILROAD. <i>See</i> LAND GRANT RAILROADS.		
how and where assessed,	7	230
penalty for malicious injury to,	42	714
act to accept public lands given to state to aid in building,	1	843
RAILROAD COMPANIES. <i>See</i> CORPORATIONS; LAND GRANT RAILROADS.		
laws as to,	—	319

as to Registry of Highways 107. 1864

MINNESOTA STATUTES 1858

GENERAL INDEX.

1029

	Sec. Page.
RAILROAD COMPANIES , how formed; certificate preliminary to incorporation, - - - - -	243 319
corporate rights of, - - - - -	244 319
may construct railroads and branches, with appurtenances, &c., - - - - -	245 319
capital stock, how divided into shares; to be personal property, - - - - -	246 319
same, payment of installments on, - - - - -	247 319
forfeiture and sale of stock if installments unpaid, - - - - -	248 320
capital stock how increased, - - - - -	249 320
opening of subscription books; election and duties of directors, - - - - -	250 320
right of entry for survey; payment before lands taken, - - - - -	251 321
on change of grade, same rights, &c., as on making road, - - - - -	252 321
may occupy streets in town, &c., on what agreement, - - - - -	253 321
rates of fare and freight, - - - - -	254 321
borrow money how, - - - - -	255 321
purchase land for right of way how, - - - - -	256 322
president sign all deeds, &c., - - - - -	256 322
may change course of road or stream; must restore same, - - - - -	257 322
how establish and change principal office, - - - - -	258 322
sign at road crossings; fence railroad, - - - - -	259 322
annual report to state auditor, - - - - -	260 322
bridge navigable waters, but not obstruct navigation, - - - - -	261 322
how stop trains at stations and crossings, - - - - -	262 322
liable for misconduct of agents, - - - - -	262 323
two or more may consolidate; proceedings, - - - - -	263 323
articles of consolidation take effect on filing, - - - - -	264 324
rights and obligations of former companies transferred to consolidated, - - - - -	265 324
how may aid other railroad companies, - - - - -	266 324
RAMSEY COUNTY , created, - <i>Carlin - to July - 20th - 79, 1860</i> - - - - -	1 75
boundaries of, by revised statutes, - - - - -	3 75
declared an organized county, - - - - -	12 76
seat of justice in, to be St. Paul, - - - - -	16 77
Dakota county attached to for judicial purposes, - - - - -	18 77
register of deeds, duties as to Hennepin county election, - - - - -	24 78
part of Benton county set off to, February 25, 1856, - - - - -	115 91
same, - - - - -	117 91
part of included in new county of Pine, March 1, 1856, - - - - -	143 95
Isanti county set off from, February 13, 1857, - - - - -	155 96
Manomin county set off from, May 23, 1857, - - - - -	196 102
Anoka county set off from, May 23, 1857, - - - - -	200 102
delinquent taxes exempt from act of January 28, 1858, - - - - -	58 237
RAPE ; penalty of; if on common prostitute, - - - - -	38 706
on female child less than ten years of age, penalty, - - - - -	39 706
assault with intent to commit, penalty, - - - - -	40 706
forms of indictment for, - - - - -	3 757
proof of penetration will sustain charge of, - - - - -	7 782
REAL ESTATE. <i>See ADMINISTRATOR; CONVEYANCE; DEBTS OF DECEASED PERSONS;</i>	
DEED; ESTATES IN LANDS; EXECUTOR; FORECLOSURE; LAND; MORTGAGE; PARTITION OF ESTATES; PARTITION OF REAL PROPERTY, ACTION FOR; TAXES.	
term how construed, - - - - -	2 114
same, in act as to deeds, &c., - - - - -	61 404
of corporations, where assessed, - - - - -	126 199
what to include, for taxation, - - - - -	2 229
"land" and "real property" mean same as, for taxing, - - - - -	2 229
of certain institutions, when exempt from taxation, - - - - -	4 230
of corporations, how assessed, - - - - -	7 230
bridge and turnpike, plank and railroads, to be, - - - - -	7 230
undivided, of deceased person, how assessed, - - - - -	8 230
held in trust, &c., to be assessed at full value, - - - - -	18 232
taxes on, paid by tenant, he may collect, - - - - -	101 244
cemetery association may hold; how much, - - - - -	46 285
how much manufacturing or mining company may hold, - - - - -	270 325
of wife, conveyed by joint deed, - - - - -	2 397
corporations may convey by agent, - - - - -	72 406
same, appointment of agent how recorded, - - - - -	73 406
disposition of by will. <i>See WILL.</i> - - - - -	
actions to recover, limitation of, - - - - -	4 532
on attachment of, copy of warrant and return recorded; effect of; how discharged, - - - - -	149 551
sale of under execution, when absolute, when redeemable, - - - - -	113 572
same, redemption of afterwards. <i>See REDEMPTIONER.</i> - - - - -	
sold on execution, remedy of purchaser if evicted, - - - - -	120 574
actions to recover possession of. <i>See under ACTIONS.</i> - - - - -	
of deceased, not affected by judgment against his executors, &c., - - - - -	8 611
banking corporations may hold and convey how, - - - - -	19 858
RECEIVER ; for corporation, how appointed; powers, - - - - -	347 335
for judgment debtor, same, - - - - -	180 575
in equity, to be appointed at law instead, - - - - -	27 481
of judgment debtor's property, judge may appoint how, - - - - -	180 575
of corporation, when appointed, - - - - -	6 607
same, - - - - -	11 608

MINNESOTA STATUTES 1858

1030

GENERAL INDEX.

	Sec. Page.
RECEIVER, same, powers and obligations of, - - - - -	12 608
same, in proceedings for forfeiture of franchise, - - - - -	17 620
how and when appointed, - - - - -	2 670
of public land office, certificate of <i>prima facie</i> evidence of title, - - - - -	88 686
mineral ground an exception, - - - - -	88 686
of public money, when governor may remove, - - - - -	5 247
RECEIVER OF STOLEN GOODS. <i>See</i> STOLEN GOODS.	
RECOGNIZANCE. <i>See</i> SURETY ON RECOGNIZANCE.	
when coroner may take of witnesses, - - - - -	107 170
defendant in bastardy case to give to appear before district court, - - - - -	4 344
same, if case continued by district court, - - - - -	5 344
by defendant in justice suit, if adjournment, - - - - -	41 408
same, need not be repeated on new adjournment, - - - - -	42 503
same, plaintiff's proof in suit on, - - - - -	43 503
on stay of justice's execution, form of, - - - - -	82 510
in certiorari, required, - - - - -	124 515
same, form of, - - - - -	125 515
same, how filed, - - - - -	127 516
on appeals from justice, - - - - -	136 517
same, in criminal case, - - - - -	199 526
in criminal case, breach of, certified to district court, - - - - -	208 527
required from person likely to be demanded as fugitive from justice; proceedings if default on, - - - - -	4 739
in criminal prosecution, order discharging, how filed, - - - - -	27 748
same, default on, proceedings on, - - - - -	28 748
same, surety on how discharge himself by payment, - - - - -	29 748
same, action on, how judgment may be remitted, - - - - -	30 748
same, action not to fail for what defaults, - - - - -	31 748
on change of venue, - - - - -	3 768
on filing exceptions in criminal case, - - - - -	9 778
same, if not made, committal, - - - - -	10 778
on examination for offense, may be given without examination, - - - - -	4 745
same, how certified and delivered to clerk of court, - - - - -	5 745
same, - - - - -	25 747
to appear at further examination, - - - - -	9 746
same, proceedings on breach of, - - - - -	10 746
same, committal if not given, - - - - -	11 746
of witnesses to offense, - - - - -	19 746
same, additional security when required of, - - - - -	20 746
same, for married woman or minor, who may give, - - - - -	21 746
same, if refused, committal, - - - - -	22 746
for misdemeanor where civil remedy, discharged on acknowledgment of satisfaction by injured party, - - - - -	26 748
RECOGNIZANCE TO KEEP THE PEACE; provisions as to, - - - - -	740
who may require, - - - - -	1 740
proceedings on complaint against person threatening, - - - - -	2 740
when warrant to bring up such person, - - - - -	3 740
examination of same, - - - - -	4 740
defense on examination, - - - - -	5 740
when recognizance required, - - - - -	6 740
defendant discharged on giving, - - - - -	7 740
same, if not giving, committed, - - - - -	8 741
same, when discharged without giving, - - - - -	9 741
same, costs for if complaint frivolous, - - - - -	9 741
costs on if no special order, - - - - -	10 741
appeal from order to give, - - - - -	11 741
same, recognizance from witnesses on, - - - - -	12 741
same, proceedings in district court on, - - - - -	13 741
same, if not prosecuted, recognizance remain in force, - - - - -	14 741
person committed for refusing, how discharged on giving, - - - - -	15 741
when given, transmitted to district court, - - - - -	16 741
on breach of peace, threatening, &c., in view of court, - - - - -	17 741
from person carrying offensive weapons, - - - - -	18 741
suit on, penalty recovered in how remitted, - - - - -	19 741
surety on, how may surrender principal, - - - - -	20 741
when required in addition to legal punishment, - - - - -	2 779
same, proceedings if breach of, - - - - -	3 779
RECORDING, town clerk's fees for, - - - - -	12 190
RECORDS. <i>See under names of officers.</i>	
of judge of probate, to be open for inspection, - - - - -	77 165
county surveyor to keep, - - - - -	86 167
town clerk to keep, - - - - -	60 189
town clerk what to enter in, - - - - -	61 189
same, his copies from are evidence, - - - - -	65 189
in offices of registers of deeds, copies of how made evidence, - - - - -	97 688
of courts, legislatures, &c., United States acts as to authentication of, - - - - -	870
RECTOR of Episcopal church; chosen how; vacancy how filled, - - - - -	38 283
one of board of trustees of church; duties, - - - - -	38 282

MINNESOTA STATUTES 1858

GENERAL INDEX.

1031

	Sec. Page.
RED WING to be county seat of Goodhue county, - - - - -	52 82
REDEMPTION of lands sold for taxes; proceedings, (and next sections), - - - - -	84 241
when may take place, - - - - -	86 241
payments required at, - - - - -	87 241
REDEMPTION. See REDEMPTIONER.	
waste stayed during time limited for, - - - - -	119 574
of property sold under foreclosed mortgage, - - - - -	11 645
same, who may make; how made, - - - - -	21 646
subsequent mortgagor entitled to, - - - - -	18 646
others than original redemptioner entitled to how, - - - - -	21 646
what time original debtor has for, - - - - -	21 646
REDEMPTIONER, who, - - - - -	114 573
when may redeem, - - - - -	115 573
when another may re-redeem, - - - - -	116 573
on redemption, must produce what authority, - - - - -	118 573
REFEREE, when probate judge may be, - - - - -	80 166
act instead of former master or examiner in chancery, - - - - -	28 481
appointed how and for what, - - - - -	47 563
appointment of called reference, - - - - -	48 563
number of; how appointed; - - - - -	52 563
qualifications of, - - - - -	53 563
report of, effect of, - - - - -	54 564
provisions for trial by court and jury apply to trial before, - - - - -	66 565
fees of, - - - - -	10 578
in partition suit, proceed how in partition, - - - - -	9 599
same, report how made, - - - - -	10 599
same, how received; judgment if confirmed, - - - - -	11 599
same, expenses of and of surveyor; how paid, - - - - -	13 600
same, if report that partition cannot well be made, may be directed to sell, - - - - -	14 600
same, receive evidence of creditors and report priority of liens, - - - - -	21 600
same, creditor may have report corrected when, - - - - -	22 600
same, report when confirmed, conclusive as to rights of creditors, - - - - -	22 600
same, how deliver proceeds of sale, and securities, - - - - -	25 601
same, to decide between parties as to shares of proceeds, - - - - -	26 601
same, how take securities for purchase money on sale, - - - - -	29 601
same, not to purchase at sale, - - - - -	39 602
same, after sale, report same to court, - - - - -	40 603
same, execute, conveyances, &c., of sale confirmed, - - - - -	41 603
same, take incumbrancer's receipt, - - - - -	42 603
same, fees how paid, - - - - -	54 604
majority of may act if all meet, - - - - -	41 630
REFERENCE, in judgment for defendant on issue of law, - - - - -	42 562
what, - - - - -	48 563
may be ordered how and in what cases, - - - - -	49 563
when court may order, - - - - -	50 563
may be ordered in what courts; and in vacation, - - - - -	51 563
in partition suit, to ascertain as to general liens, - - - - -	18 600
same, to fix amount of same, - - - - -	19 600
same, proceedings, (and next section,) - - - - -	20 600
same, not to delay sale, - - - - -	24 601
to master, to report on condition of mortgaged premises, - - - - -	20 672
REGENTS of the University of Minnesota. See UNIVERSITY of MINNESOTA.	
elect two directors annually of deaf and dumb asylum, - - - - -	45 355
REGISTER OF DEEDS. See CLERK of COUNTY COMMISSIONERS.	
Ramsey county, duties of as to Hennepin county election, - - - - -	24 78
of Fillmore county, duty as to elections in Houston and Winona counties, - - - - -	51 81
of Hennepin county, transcribe part of Ramsey county records, - - - - -	127 93
of Waseca county, appointed by governor, - - - - -	162 97
of Freeborn county, appointed by governor, - - - - -	169 98
of Monongalia county, appointed by commissioners, - - - - -	241 108
to receive fifty copies of printed laws from secretary of state, - - - - -	8 115
election of when, - - - - -	1 139
to receive poll books at election for presiding electors, - - - - -	59 148
to swear judges of same election at receipt of, - - - - -	60 148
may attend canvass of same votes, - - - - -	61 149
compensation of, - - - - -	68 150
penalty for non-delivery of poll books, - - - - -	60 149
elected; to be clerk of county commissioners; term of office, - - - - -	19 156
oath of; bond of, - - - - -	20 156
to deliver books, &c., to successor, - - - - -	21 156
books of; form of same; entries; how made, - - - - -	22 156
to certify entry on instrument; to exhibit records, - - - - -	22 157
what books to keep, - - - - -	23 157
may appoint and remove deputies; oath of same, - - - - -	24 157
to be clerk of county commissioners; duties and pay as such, - - - - -	25 157
to make out and deliver notices of elections, - - - - -	26 158
to canvass votes, make and deliver certificates of election, - - - - -	27 158

" a record in U.S. Supreme Court, 143.18

MINNESOTA STATUTES 1858

1032

GENERAL INDEX.

	Sec. Page.
REGISTER OF DEEDS, duty in tie vote; duty as to elections,	27 158
to make statement of county taxes for treasurer,	28 158
to give duplicate of same to county collector,	28 158
to give abstracts of title; fees for same,	29 158
not to record improper instruments; penalty,	30 158
may administer oaths and take acknowledgments,	31 158
to have official seal; county to furnish,	32 158
deputy not to administer oaths and take acknowledgments,	33 159
to procure books, at county expense,	35 159
to attest lists of jurors,	7 154
commissioners to provide office, books, &c., for,	11 154
same, to remove on presentment, when,	12 155
same, to fill vacancy in office,	12 155
to be county treasurer,	37 159
not to approve district attorney's bond,	67 164
where to keep office,	132 175
when to execute bond and take oath,	133 175
deputy, his oath; failure to take, &c., penalty,	134 175
copies sealed by, evidence,	135 175
how long to hold office,	136 175
to assist in correcting assessment-roll,	115 172
to administer oath to deputy assessor,	116 172
to make notices for first town meeting,	6 179
same, fine for delinquency,	6 179
to send report of commissioners to lay out towns, to auditor of state,	7 179
to record description of towns from same,	7 179
to record filing of town collector's bond,	38 185
part of duties transferred to county auditor,	103 195
to deliver to same, books and money relating to taxes,	103 195
delivery of same to be under oath, and certified,	103 195
to keep books, &c., of county supervisors,	104 195
same to be open to examination,	104 195
to canvass vote for county building tax,	108 196
to record county treasurer's bond,	114 197
to forward copy of same to state auditor,	114 197
tax sale of land for 1857, by, if omitted at legal time,	54 237
send auditor county tax valuation,	25 233
make and deliver certificates of taxes,	28 233
make and deliver warrant of collection,	28 233
duty as to return of delinquent taxes, (and next sections.)	38 335
when make warrant for sale of land for taxes,	69 239
tax sale, when give notice of same,	70 239
same, publish notice,	71 239
same, cause affidavit of posting notice,	72 239
same, when and how to make,	74 239
same, when to require payment,	76 240
same, bid off lands for county,	77 240
same, convey unredeemed lands to county,	79 240
same, when may sell tax certificates and lands,	80 240
same, give purchaser certificates of,	82 240
same, file statement,	83 241
same, advertise unredeemed land,	84 241
same, notify if no newspaper in county,	85 241
same, give certificate to person redeeming land,	89 242
same, when pay over redemption money,	90 242
same, when give deed of unredeemed land,	93 242
same, duty in redressing error in sale,	94 243
same, make and file statement and pay over receipts,	99 243
same, penalty for neglect of duty as to,	100 244
same, if omitted, when to make re-sale,	103 244
same, fees,	115 245
same, may include several parcels of lands in one certificate,	115 246
governor, when may remove,	4 247
county commissioners may fill vacant office,	7 247
when issue order for survey of county road route,	7 249
record plot and return of same,	8 250
notify supervisors of same,	8 250
record survey ordered by road commissioner,	21 252
record certificate of election as church trustee, fee,	19 250
record papers on plank road, &c., land appraisal,	82 292
receive and preserve records, &c., of dissolved village,	190 311
prosecute for fine for illegal ferry,	196 312
attest ferry license,	200 312
furnish list of ferry rates,	203 313
sue for non-payment of ferry-license tax,	205 314
record marks and brands of cattle,	1 348
record names of parties to chattel mortgages,	4 348

Register of instruments ch. 57, 279 1860

	Sec.	Page.
REGISTER OF DEEDS, fees for recording mark or brand, filing chattel mortgages, &c.,	6	349
fees on recording town plot, &c.,	8	371
fees for transcribing records for new county,	33	401
or deputy, witness entry of discharge of mortgage,	36	401
discharge mortgage on record, on what certificate,	37	401
same,	59	404
record conveyance or letter of attorney on affidavit of witness,	42	402
provide separate books for absolute conveyances and mortgages,	55	404
record instruments in what manner,	57	404
enter and indorse time of recording, &c.,	58	404
recording instruments not properly executed, &c., penalty,	60	405
record bonds, contracts or agreements as to land, when,	69	406
same, fee for,	71	406
fees of,	24	591
how receive and keep papers,	67	683
fees for filing and recording papers under lien law,	36	699
RELIGIOUS MEETINGS, act for protection of,	—	731
to be exempt from disturbance; disturber may be removed, how,	23	731
penalty for disturbing; how recovered,	24	731
sale of goods or liquors prohibited near,	25	731
penalty for such sale,	26	731
disturbance, shows, races and gambling, &c., near, prohibited; penalty,	27	731
parents and guardians liable for violations of law by children or wards,	28	731
recognizance of person violating law, &c., as to,	29	731
same, proceedings if forfeited,	30	732
complaints for violation of law as to, how made,	31	732
fines under same, go to school fund,	33	732
prosecutions under same, when must be commenced,	33	732
RELIGIOUS SOCIETY. See CORPORATIONS NOT PECUNIARY.		
laws relative to,	—	279
how elect trustees; their duty,	15	279
choose president; who vote,	16	279
notice of elections,	17	297
who preside at elections; certificate of,	18	279
certificate of election, acknowledged and recorded,	19	280
trustees, powers of; seal; custody of property,	20	280
same, recover and hold claims, estate, &c.,	21	280
same, limit of value of estate to be held by,	21	280
same, repair and erect what buildings,	22	280
same, make what rules and regulations,	23	280
same, appoint officers and their fees,	24	280
same, meetings of, how called,	25	280
same, classified for election,	26	280
same, notice of election to vacancy,	27	281
same, election to vacancy,	28	281
qualification of voters at election in,	29	281
register of stated hearers,	30	281
salary of ministers,	31	281
sale of property, when may be ordered, how,	32	281
same, notice of application for order,	33	281
incorporated prior to act, established,	34	281
lands conveyed for use of, how held,	35	282
trustees, appointed in certain cases; powers,	36	282
“ when minister, &c., to be; powers,	37	282
organization of Protestant Episcopal Church. See PROTESTANT EPISCOPAL CHURCH,	38	282
complying with provisions of law, becomes incorporate,	39	283
clerk may record deed of pews or slips; fees,	25	400
REMAINDER, defined,	11	378
contingent. See CONTINGENT REMAINDER.		
limited on more than two estates for life, what lives void,	17	379
on estate for life other than grantee or devisee, to be in fee,	18	379
on estate for life in term for years, to be for whole of term,	18	379
on certain life estates, take effect on death of two persons first named,	19	379
estate for life not to be limited as, on term for years,	21	379
on death of person without “ heirs ” or “ issue, ” construction,	22	379
on estate for life, how may be created,	24	379
may be limited on contingency abridging precedent estate; how construed,	27	379
to heirs of tenant for life, when they take as purchasers,	28	379
on estate for life or years, how construed,	29	380
when not defeated by termination of precedent estate before happening of contingency on which it is limited,	34	380
REMAINDER MAN may sue for injury to inheritance,	37	411
REMOVAL, taxes how collected after,	145	203
RENT, reserved, person in possession of land liable for,	31	410
same, how to be recovered; instrument reserving how evidence,	32	410
same, provisions as to not to interfere with rights of landlords,	33	410
non-payment of on lease at will, what notice to quit,	34	411

MINNESOTA STATUTES 1858

1034

GENERAL INDEX.

	Sec. Page.
RENTS AND PROFITS OF LANDS. <i>See under LAND.</i>	
REPEAL, not to affect previous offense or penalty, exception,	12 116
not to affect previous prosecution, exception,	13 116
of laws, not re-enacted, in revised statutes, continues,	14 116
of statute before repealed, not to assert that it was in force,	15 116
of statute not to affect previous office or appointment,	16 116
of statute abolishing office, when take effect,	17 116
REPLEVIN, action of before justice, affidavit on,	98 512
same, contents of,	99 512
plaintiff's bond on,	100 512
writ of, contents, when issued,	101 512
same, officers proceedings under,	102 512
third party claiming property, made co-defendant,	103 512
plaintiff when recover value, if not property; and damages,	104 512
plaintiff not recovering, defendant have what judgment,	105 512
form of writ of, from justice,	178 523
REPLY TO ANSWER, in pleading, when allowed; contents,	75 541
insufficient, demurrer to,	76 541
REPORTER OF SUPREME COURT DECISIONS. <i>See under SUPREME COURT,</i>	
REPORTS OF DECISIONS AT LAW IN OTHER STATES, how evidence,	57 682
REPORTS OF SUPREME COURT, how published,	11 476
reporter to provide for publication of,	12 476
REPRESENTATION, right of. <i>See under INHERITANCE.</i>	
REPRESENTATIVES. <i>See HOUSE OF REPRESENTATIVES.</i>	
REPRIEVES, governor may grant,	6 126
REQUISITIONS, for fugitives from justice, expenses on how allowed,	5 126
RESIGNATION, of county commissioner, how made,	1 163
town officers, how made and accepted; forms,	50 187
territorial (state) auditor and treasurer, attorney general, superintendent of common school, to governor,	1 246
all officers appointed by governor, to him,	1 246
all officers elected, to whom,	1 247
all other appointed officers, to whom,	1 247
causes vacancy,	2 247
of military officers, how made,	42 816
RESPIRE, governor may grant to insane convict, or female convict quick with child,	8 780
RESTITUTION. <i>See WRIT OF RESTITUTION; SALVAGE.</i>	
RETURN. <i>See under names of officers and of writs, &c.</i>	
of writs, penalty for not making,	64 163
of elections for tax for county buildings,	108 196
of assessments,	132 200
by sheriff, as to defaulting town collector,	152 204
of county collector to register,	38 235
same,	39 235
sheriff's false; double damage for,	107 245
constable's, of sale of unclaimed property,	55 266
on justice's process, what,	12 499
same, penalty for failure to make,	18 500
of officer, <i>prima facie</i> evidences of its own correctness,	23 591
RETURNS of first election in Chisago county,	4 78
first election in Hennepin county,	24 78
first election in Houston and Winona counties,	51 81
of general election, how sent to secretary of state,	34 144
of elections, to vacancies, how made,	40 145
not to be refused as informal, when,	41 145
board for deciding on, to be who,	47 146
technicalities, mis-spelling, &c., disregarded in admitting,	47 146
REVENUE. <i>See TAXES.</i>	
REVERSION, defined,	12 378
of dower, may be sold by executor, &c., how,	75 419
same, subject to partition and assignment,	21 452
REVERSIONER, may sue for injury to inheritance,	37 411
REVISED STATUTES, of 1851, evidence,	6 115
to go into effect when,	11 116
not to influence offense or penalty of previous date; exception,	12 116
not to affect prosecution pending,	13 116
not to revive laws repealed by or repugnant to what they repeal,	14 116
repeal by of law before repealed, not to revive it,	15 116
repeal by not to affect previous appointment or office,	16 116
office abolished by, when to cease,	17 116
to prevail over conflicting law,	18 116
chapters of, to prevail as to subject of each,	19 117
section last in order to prevail if conflicting,	20 117
sundry chapters of, when to take effect,	21 117
how apply to legal proceedings pending September 1, 1851,	49 631
REVOCAION, power of makes grantor absolute owner,	14 392
of power, authority for must be granted with power,	36 394
same,	32 401

	Sec.	Page.
REVOCAION, of will, how executed,	10	428
of letters of administration; effect of,	16	435
power of how invalidate conveyance,	3	457
conveyance by person having power of, valid,	4	457
same, before power vests, valid how,	5	457
of submission to arbitrators, when may be made,	5	690
RICE COUNTY, boundaries, act of March 5, 1853,	33	79
attached to Dakota county for judicial purposes,	38	79
constables and justices, number, appointment, term of office,	39	80
how may become an organized county,	42	80
boundaries, act of February 20, 1855,	68	84
addition to area of, May 22, 1857,	173	98
RIGHT OF ENTRY, by railroad company to survey for road,	251	321
same, for change of location or grade,	252	321
for surveys, &c., under mill and mill-dam act,	23	849
RIGHT OF REPRESENTATION. <i>See under</i> INHERITANCE.		
RIGHT OF WAY; plank road and turnpike company to have,	69	289
<i>See</i> PLANK ROAD AND TURNPIKE COMPANY.		
railroad company may acquire,	256	322
land drainage company have, for their purposes,	9	845
RIOTOUS ASSEMBLY, &c., provisions as to,	—	723
what constitutes; who to command to disperse; to be arrested if not obeying,	1	723
penalty for refusing to arrest magistrate, &c., to disperse,	2	723
penalty for neglecting proceedings as to, by officer, &c.,	3	723
force may be used to suppress when,	4	723
armed force to disperse, obey what orders,	5	723
if death ensue in dispersing, officers, &c., guiltless,	6	723
penalty for destroying house, vessel, &c., by,	7	724
RIOTOUS CONDUCT AT ELECTIONS, fine for,	24	142
ROAD COMMISSIONERS, election, term of office,	15	251
oath of,		
constitute board with county surveyor; powers and duties,	16	251
proceedings if petition as to road,	18	252
notify of meeting to decide application,	19	252
examine road in question; cause survey,	20	252
cause roads to be fully described,	22	252
fees of; how paid,	21	252
may agree with owners on damages,	23	253
notice to of jury to assess same,	24	253
alter United States or territorial road within county,	30	254
notify owners to remove fences,	31	254
not elected, county commissioners may appoint,	36	254
ROAD DISTRICTS, how laid off,	156	205
same, if road on town line,	208	219
“ “ “ how allotted; record,	209	219
villages may be laid off in,	185	310
ROAD EXAMINERS, appointed,	4	249
oath of, duties of,	5	249
report of, contents,	6	249
fees,	11	250
ROAD TAX, how and when assessed,	163	207
same, rule of assessment; exemptions,	164	207
notice of; in labor or money,	180	210
payment how noted,	181	210
paid and unpaid, overseer's list of; form,	182	210
arrears of, how raised,	184	210
assessed on rolls of 1858,	218	220
ROADS. <i>See</i> CORPORATIONS; COUNTY ROADS; HIGHWAYS; PLANK AND TURNPIKE COMPANIES; PUBLIC CARRIAGES; PUBLIC ROADS; RAILROAD COMPANIES.		
county supervisors to appropriate funds for,	98	194
how altered, discontinued, laid out; form of petition,	189	212
notice of petition as to, posted,	190	212
roads in question, town supervisors to examine,	191	213
same, argument to be heard,	191	213
survey of when; report and order; forms,	192	213
orders on filed,	193	214
damages on, ascertained, agreed on, assessed, forms,	194	214
appeal from town supervisors' action; forms,	195	215
same, proceedings, notice,	196	215
same, meeting of county supervisors on,	197	216
same, notice of hearing, form,	198	216
same, trial how conducted; forms; decision,	199	217
appeal from town supervisors' refusal to act,	200	217
same, county supervisors' proceedings if reversed,	202	217
same, county supervisors' substitute,	203	218
damages how paid,	204	218
same, oppressive, relief; form of petition,	205	218

MINNESOTA STATUTES 1858

1036

GENERAL INDEX.

	Sec. Page.
ROADS , in two towns, proceedings on disagreement, - - - - -	206 218
on town line, - - - - -	207 219
same, road districts how laid out, - - - - -	208 219
same, districts belong where; record of, - - - - -	209 219
same, how divided, &c., in all cases, - - - - -	210 219
fences, notice of removal of fences for, - - - - -	211 219
same, same if appeal, - - - - -	212 219
public, now existing, are town highways, - - - - -	213 220
same, to be at least four rods wide, - - - - -	214 221
state, supervisors not to alter, - - - - -	215 221
county, county supervisors may alter, &c., - - - - -	224 221
railroad company may divert and restore, at making railroad, - - - - -	257 322
persons meeting on to turn to the right, - - - - -	1 347
same, penalty for neglect of rule, - - - - -	2 347
hedges how permitted on, - - - - -	1 368
bridges, canals, &c., penalty for malicious injury to, - - - - -	42 714
ROADS AND BRIDGES. <i>See</i> HIGHWAYS.	
provisions as to, - - - - -	— 205
town supervisors have charge of, - - - - -	156 205
ROBBERY , armed, with intent to kill, penalty, - - - - -	33 706
armed, assault with intent to commit and to kill, - - - - -	34 706
not being armed, - - - - -	35 706
assault not armed, with intent to commit, - - - - -	36 706
officer to endeavor to recover goods, - - - - -	20 711
forms of indictment for, - - - - -	3 757
ROCK COUNTY , created and bounded, May 23, 1857, - - - - -	189 101
attached to Murray county for judicial and elective purposes, - - - - -	194 102
RULES , for construction of statutes, - - - - -	2 112
SALARY. <i>See</i> COMPENSATION.	
of assistant secretary of state, - - - - -	17 126
auditor of state, - - - - -	19 127
auditor of state, clerk of, - - - - -	45 129
treasurer of state, - - - - -	48 129
school superintendent, - - - - -	105 135
state librarian, - - - - -	119 137
district attorney, - - - - -	75 165
minister, church to fix, - - - - -	31 281
supreme court reporter, - - - - -	13 476
supreme court judges, - - - - -	17 477
district court judges, - - - - -	18 477
supreme and district court judges, how payable, - - - - -	19 477
officers of state prison, - - - - -	55 794
SALE. <i>See</i> AUCTION; EXECUTION; TAX SALE; UNCLAIMED PROPERTY.	
SALE OF LANDS by administrator, &c. <i>See under</i> EXECUTOR; EXECUTOR OR ADMINISTRATOR.	
by guardians. <i>See under</i> GUARDIAN.	
SALT SPRINGS granted to state, governor to appoint persons to select, - - - - -	21 846
SALVAGE. <i>See</i> OWNER.	
act relative to, - - - - -	— 255
may be secured by retaining vessel, &c., until payment, - - - - -	1 255
may be secured by action, - - - - -	1 255
where vessel, &c., worth over \$10, oath of finder, notice, - - - - -	2 255
owner to pay before removing vessel, &c., date of, - - - - -	3 256
justice when to receive and issue writ of restitution, - - - - -	3 256
proceedings if vessel, &c., worth over \$100, - - - - -	4 256
proceedings if property not applied for in thirty days, - - - - -	5 256
proceedings, subsequent, by justice; sale of property, - - - - -	6 257
proceedings on sale; appropriation of proceeds, - - - - -	7 257
proceedings of justice, and sale, when property not worth \$100, - - - - -	8 257
property worth under \$10, finder's oath; rate of salvage, - - - - -	9 257
same, if delivery refused, proceedings, - - - - -	9 257
Indian canoes and lumber, not subject to law of, - - - - -	10 258
payment of before sale by owner to redeem property, - - - - -	11 258
officer embezzling under law of, penalty, - - - - -	13 258
person secreting property not entitled to, - - - - -	14 258
SAW-LOGS , penalty for taking up loose, without owner's consent, - - - - -	15 258
lodging on land, owner of logs may remove, - - - - -	16 258
fine for preventing removal by him, - - - - -	16 258
lodged, when owner of land may have, - - - - -	17 259
penalty for injuring marks, or concealing, - - - - -	18 255
penalty for unlawfully taking floating or lodged, - - - - -	1 825
jurisdiction of justices relative to, - - - - -	2 825
arrest for taking may be made where, - - - - -	3 825
purchasing or injuring when unlawfully taken, penalty, - - - - -	4 825
sealing by surveyor-general, penalty, - - - - -	5 826
SCHOOL. <i>See</i> COMMON SCHOOLS; STATE NORMAL SCHOOLS; SUPERINTENDENT OF COMMON SCHOOLS; TEACHER.	

find app. ... of ... 44 1863

... 77

... 1863

... 864

MINNESOTA STATUTES 1858

GENERAL INDEX.

1037

		Sec.	Page.
SCHOOL; town tax for exempt from act of January 28, 1858,	57	237	
length of terms how determined,	64	358	
SCHOOL-BOOKS; school superintendent to select, &c.,	104	136	
SCHOOL DISTRICT. <i>See</i> TRUSTEES OF SCHOOL DISTRICT.			
property of exempt from taxation,	4	230	
taxes exempt from act of January 28, 1858,	57	237	
how laid off; annual tax, how levied and collected,	59	357	
how may be altered or divided,	59	357	
first district meeting how notified,	61	358	
same, notice when repeated,	62	358	
who may vote in,	63	358	
powers of meetings in,	64	358	
librarian of, how chosen; duties,	65	359	
taxes how assessed and collected,	66	359	
bond of clerk as collector,	66	359	
annual meeting; special meeting; how called,	67	359	
clerk of; duties,	68	359	
school funds how apportioned to,	69	359	
trustees of; duties,	70	360	
same, render account to successors,	71	360	
same, pay over moneys in hand to successors,	72	360	
same, penalty for neglecting same,	72	360	
clerk failing to pay over to trustees, action against,	73	360	
tax in when school fund insufficient, how laid and collected,	74	360	
limit of annual tax in,	64	358	
tax for library and apparatus,	64	358	
clerk, pay over tax to trustees; his authority to collect it,	68	358	
same, return unpaid tax to register,	68	358	
trustees of. <i>See</i> TRUSTEES OF SCHOOL DISTRICT.			
clerk failing to return list of inhabitants, who may do so,	75	361	
SCHOOL FUNDS. <i>See under</i> TRUSTEES OF SCHOOL DISTRICT.			
apportionment of to district schools,	69	359	
proceeds of grass sold from school lands to go to,	36	367	
SCHOOL HOUSE; district, site for how appointed,	64	358	
purchase of site; erection,	64	358	
tax to build and maintain,	64	358	
trustees to obtain site, erect, furnish fuel, &c., have charge of,	70	358	
SCHOOL TAX. <i>See</i> SCHOOL DISTRICT.			
town and district, exempt from act of January 28, 1858,	57	237	
payable by collector in specie,	29	234	
SCHOOL AND UNIVERSITY LANDS; laws respecting,	—	362	
cutting timber on unlawfully, penalty for,	1	362	
same, offender may be committed to what jail,	2	362	
same, county commissioners to collect value of,	3	363	
same, what officers to prosecute for,	6	363	
same, or taking hay or grass, fine,	7	363	
same, penalty how recovered,	8	363	
same, penalty for officer not prosecuting,	9	363	
same, limitation of time for suit,	10	364	
same, jurisdiction of justices as to,	11	364	
suit for same, to be in what county,	12	364	
same, form of complaint,	13	364	
same, justice's warrant on complaint; form,	14	364	
same, when special constable deputized to serve warrant,	15	364	
same, officers' endorsement on warrant,	16	364	
same, when and how change of venue allowed,	17	364	
same, subpoena for witnesses; form,	18	365	
same, service of; fees on,	19	365	
same, justice's jury how summoned, challenged, &c.,	20	365	
same, no jury unless demanded by defendant,	21	365	
same, when venire for jury; form,	22	365	
same, hearing; making up of verdict,	23	365	
same, form of verdict,	24	365	
same, if no jury, justice hear and decide,	26	366	
same, execution when returnable,	27	366	
same, execution how levied; when arrest under,	28	366	
same, form of execution,	29	366	
same, appeal on,	30	366	
same, constable how levy execution and sell under it,	31	366	
same, constable pay over proceeds how,	32	367	
same, time allowed to procure defendant's witnesses,	33	367	
same, no continuance unless on recognizance,	33	367	
same, attachment for witnesses not appearing,	34	367	
same, fees of justice, officer, juror, and witness,	34	367	
unsold; grass on how sold,	36	367	
SCIENTIFIC INSTITUTIONS; how exempt from taxes,	4	230	
incorporation of. <i>See</i> EDUCATIONAL AND CHARITABLE SOCIETIES.			

MINNESOTA STATUTES 1858

1038

GENERAL INDEX.

	Sec. Page.
SCIRE FACIAS; on judgment on probate bond,	11 454
abolished; substitute,	1 618
SCOTT COUNTY; boundaries, act of March 5, 1858,	31 79
an organized county,	40 80
governor to appoint justices, constables, and county officers of,	40 80
boundaries, act of February 20, 1855,	70 85
line of and Dakota county altered, June 11, 1853,	248 109
same, said counties to vote on,	250 109
SCRIBNER'S RULE, adopted for measuring lumber,	26 829
SEAL, official of court or public office, what taken to be,	2 114
same, great, of state, governor to furnish,	18 126
same, of auditor of state, device, use of,	21 127
same, of treasurer of state; device,	65 181
same, of notary public; device and use,	93 184
same, county commissioners,	4 153
same, register of deeds,	32 158
same, trustees of church,	20 280
same, village trustees,	138 302
same, of territory, described and deposited how,	1 374
same, court of record may provide if none at hand,	2 374
any device may be used for, on instrument,	3 374
same,	34 401
official, of territory of Minnesota, adopted,	4 374
same, of courts, &c., uniform size and device adopted for,	5 374
same, how procured and paid for,	60 374
same, notaries may use present, how,	7 374
same, of commissioners to acknowledge deeds, description of filed how,	50 403
SEALER OF WEIGHTS AND MEASURES, state treasurer to be,	2 372
of counties, county treasurer to be; duties,	4 372
SEARCH, for liquor within Sioux purchase, who may make,	8 339
SEARCH WARRANT; for property lost by wreck, &c.,	14 258
provisions as to,	— 737
on what complaint and by whom issued,	1 737
enumeration of cases in which may issue,	2 737
to whom directed; contents,	3 737
property found under, officer's duty as to,	4 737
SEAT OF JUSTICE. <i>See under names of</i> COUNTIES AND COUNTY SEATS.	
SECOND OFFENSE, penalty for,	17 736
SECOND IN DUEL. <i>See</i> DUEL.	
SECRETARY OF BOARD OF REGENTS OF UNIVERSITY, appointed, duties of,	8 350
SECRETARY OF CORPORATION. <i>See under names of</i> CORPORATIONS.	
SECRETARY, governor's private. <i>See</i> PRIVATE SECRETARY, &c.	
SECRETARY OF SENATE OR COUNCIL, when to send laws approved, to printer,	24 117
to attest certificate of election to United States senate,	54 147
supervise printing of journal of council,	2 267
supervise incidental printing of council,	5 267
SECRETARY OF STATE (OR TERRITORY); to approve bonds of justices and constables of	
Itasca, Wabasha, Dakota, Cass and Pembina counties,	20 77
original acts to be deposited with,	4 115
to furnish copy of law to printer,	5 115
how to distribute copies of all laws printed,	7 115
distribution by of same to register of deeds,	8 115
to receive for keeping journals, papers, &c., of legislature,	8 120
to attest certificate of members' compensation,	12 121
to prepare halls for session of legislature,	21 122
to countersign and record commissions to civil officers,	4 125
act authorizing to appoint assistant; duties, &c.,	— 126
<i>See</i> ASSISTANT SECRETARY OF STATE.	
may have legal advice from attorney-general,	77 132
to canvass vote for member of congress,	33 144
to secure returns of same vote,	34 144
duty in canvass of votes for presidential electors,	61 149
to have town laws printed,	217 220
sue on bond of public printer when,	6 268
public printing of how contracted for,	7 268
cause indexes of journals, laws, &c., to be made,	8 268
keep great seal,	1 374
procure seals for courts and officers,	6 374
SECRETARY OF TERRITORY. <i>See</i> SECRETARY OF STATE.	
SECTION, how to be subdivided in survey,	92 168
SECURITY. <i>See</i> OFFICIAL SECURITY.	
for costs, justice may demand from plaintiff,	9 499
when plaintiff must file, (and next section,)	29 580
order to file, contents of,	31 581
to be bond for costs,	32 581
same, how filed,	33 581
exception to sureties on,	34 581

	Sec.	Page.
SECURITY, for proceeds of partition sale, referee deliver how,	25	601
same, separate may be taken,	29	601
same, to be in name of district court clerk,	46	603
same, in what name, how filed,	47	603
same, payments on to be made to clerk,	48	603
on appeal, when court may dispense with or modify,	17	622
SECURITY TO KEEP THE PEACE. See RECOGNIZANCE, &c.		
SECURITY, by public officers. See BOND, OFFICIAL.		
not required from state on appeals,	82	132
SECURITIES FOR WINNINGS AT GAMING, how far void,	10	727
SEDUCTION, parent or guardian may sue for,	33	635
penalty for,	6	729
SEMINARIES, incorporation of. See EDUCATIONAL AND CHARITABLE SOCIETIES.		
incorporated, may confer degrees,	58	238
See INSTITUTIONS OF LEARNING.		
SENATE (OR COUNCIL.) See LEGISLATURE; PRESIDENT OF THE SENATE; UNITED STATES SENATOR.		
(or council) members privileged from arrest,	1	119
contempt, what; punishment of,	2	120
contempt to be misdemeanor; penalty,	3	120
oath of members, president or others may administer,	4	120
member may administer oath in committee,	5	120
to determine contests for its seats,	6	120
secretary to index, to keep and deposit journals and papers,	8	120
secretary to index and publish journals,	9	120
secretary to copy messages and documents,	9	121
secretary to make roll of members,	10	121
secretary to call senate to order, (changed section 23,)	11	121
compensation of officers, how certified,	12	121
may remove officers by two-thirds vote,	13	121
substitutes for removed officers to be chosen <i>viva voce</i> ,	13	121
officers chosen by majority,	13	121
officers, pay of,	14	121
may have opinion from supreme court,	15	121
annual election for, when,	16	121
when to meet, annually,	17	122
term of office; chosen in half the districts alternately,	18	122
register's certificate proof of membership, for organization,	22	122
mode of calling to order,	23	122
oath what, how taken,	23	122
officers who, when and how chosen,	24	122
officers, terms of; may be discharged by resolution,	25	122
oath what to be,	28	123
messengers, appointed, pay,	30	123
majority vote must elect officers,	31	123
quorum, how procured,	32	123
SENTENCE, in criminal case, not to be cruel or unusual,	1	779
when recognizance to keep the peace required with,	2	779
to state prison, to be to confinement at hard labor,	5	799
same, solitary imprisonment to be inflicted,	5	779
of death; certified to governor; his warrant for execution,	7	780
same, insane convict, or female quick with child, how respited,	8	780
same, how inflicted,	9	780
same, who to be present at; his return on warrant,	10	780
evidence in mitigation or aggravation of, when,	26	784
same, how introduced, (and next sections,)	27	784
of death, statement of judgment, &c., and testimony, &c., sent to governor,	29	784
to solitary confinement, how executed,	13	789
to hard labor, how executed,	14	790
SEPULCHRE, violation of, penalty,	15	730
SEQUESTRATION OF CORPORATE PROPERTY, when,	6	607
SERGEANT-AT-ARMS OF HOUSE, to be chosen; to be door-keeper,	7	120
compensation of,	14	121
when may have assistant,	27	123
oath of,	28	123
term of office,	29	123
duty in securing quorum,	32	123
SERGEANT-AT-ARMS OF SENATE, to be chosen,	24	122
term of office,	25	122
when may have assistant,	27	123
oath of,	28	123
duty in securing quorum,	32	123
compensation of,	14	123
SERVICE, of notices, papers, &c. See under names of papers.		
same, on plank road or turnpike company, when,	92	294
SERVICE OF PAPERS, &c, provisions as to,	—	627
on attorney or party personally or at residence,	23	627
by mail, when allowed,	24	628

*In many of a revised Committee's report
of Sec. 1862.*

MINNESOTA STATUTES 1858

1040

GENERAL INDEX.

	Sec.	Page.
SERVICE OF PAPERS, &c., same, how made; time of, - - - - -	25	628
on party resident out of state, - - - - -	27	628
provisions as to, not apply to what documents, - - - - -	28	628
SERVICE OF PROCESS. <i>See</i> PROCESS; <i>and names of writs, &c. in Counties</i>		
SET-OFF, in suit by executor, &c., - - - - -	18	442
by defendant in justice suit, when allowed, - - - - -	44	508
same, in action on negotiable note, &c., - - - - -	45	508
same, in suit by trustee, - - - - -	46	508
same, how must be plead in answer, - - - - -	47	504
same judgment, if proved, - - - - -	48	504
same, judgment, if balance due defendant, - - - - -	49	504
of mutual justice's judgments, - - - - -	70	508
same, of judgment by another justice, - - - - -	71	508
same, entry of; disposal of transcript, - - - - -	72	508
action by assignee not to prejudice, - - - - -	28	535
SHADE TREES, village trustees may protect, - - - - -	138	302
SHAM AND FRIVOLOUS PLEADINGS, how stricken out, - - - - -	74	541
SHEEP. <i>See</i> ANIMAL; ESTRAY.		
when may run at large, - - - - -	1	851
act not apply within town or city, - - - - -	2	851
SHERBURNE, M., commissioner to revise statutes, - - - - -	28	118
SHERBURNE COUNTY, set off from Benton county, February 25, 1856, - - - - -	116	91
organized; Humboldt county town of, - - - - -	119	91
attached to Benton county for judicial purposes, - - - - -	120	92
part of debt of Benton county charged to, - - - - -	121	92
SHERIFF. <i>See</i> CIVIL OFFICER; COUNTY COLLECTOR; COUNTY OFFICER; OFFICER; TAX COLLECTOR.		
of Stearns county, appointment and bonds of, - - - - -	93	89
of Meeker county, appointment and bonds of, - - - - -	112	91
of Mower county, appointment of, - - - - -	150	95
of Waseca county, appointment of, - - - - -	162	97
of Monongalia county, appointed by commissioners, - - - - -	241	108
when reimbursed by county for loss by escape, - - - - -	255	108
when may have mileage &c., on writs by mail, - - - - -	81	132
must serve and return notary's process, - - - - -	97	134
election of when, - - - - -	1	139
to notify election judges of appointment, - - - - -	2	139
how to publish notice of election, - - - - -	5	140
to notify new election if tie vote, - - - - -	31	144
vacancy in office of, how filled, - - - - -	35	144
same, - - - - -	54	162
to notify election to vacancy in legislature, - - - - -	35	144
to deliver poll-books to judges of election, - - - - -	48	146
act as to election and duties of, - - - - -	—	161
elected; term of office, - - - - -	47	161
to be county tax collector, - - - - -	48	161
bond and oath of, - - - - -	49	161
when to be qualified, - - - - -	50	161
appoint and remove deputy; oath of same, - - - - -	51	161
to have charge of jail and prisoners; appoint keepers, - - - - -	62	161
hold no other civil office but deputy marshal, - - - - -	62	161
not to practice law, - - - - -	62	161
to preserve the peace; to summon power of county, - - - - -	63	161
to take felons, execute writs, &c., - - - - -	53	161
duties as tax collector, - - - - -	53	162
to give certificate of receipt of writs, - - - - -	55	162
proceedings on failure to account for money, - - - - -	56	162
not to receive more than legal fees; penalty, - - - - -	57	162
not to purchase property sold by him on execution, - - - - -	58	162
may finish certain business after end of term, - - - - -	59	163
to receive and keep criminals, - - - - -	60	163
fees of, for tax collecting, - - - - -	61	163
arresting in one county may pass through others, - - - - -	62	163
not to practice as attorney or counsel, - - - - -	63	163
neglect of return, &c., penalty, - - - - -	64	163
coroner acting as, duties, &c., - - - - -	65	163
commissioners to provide office for, - - - - -	11	154
not to be county treasurer, - - - - -	37	159
delinquent as to taxes, treasurer's proceedings, - - - - -	40	160
office where, when open, penalty, - - - - -	132	175
when to execute bond and take oath, - - - - -	133	175
his deputy, when to take oath; penalty of failure, - - - - -	134	175
how long to hold office, - - - - -	136	175
coroner when to act as, - - - - -	95	168
if imprisoned, coroner to keep jail, - - - - -	96	169
exonerated on allowance, if bail by judge, - - - - -	116	547
give defendant certificate of deposit instead of bail, - - - - -	117	547
deposite such amount in court, - - - - -	118	547
when refund same to defendant, - - - - -	119	547

MINNESOTA STATUTES 1858

1042

GENERAL INDEX.

	Sec. Page.
SMALL POX, penalty for inoculation with to introduce, - - - - -	4 733
SODOMY, punishment for, - - - - -	13 729
SOLE CORPORATION, how incorporated, - - - - -	328 333
SOLITARY IMPRISONMENT, on sentence to state prison, - - - - -	5 799
sentence to how executed, - - - - -	13 789
unruly prisoner to be kept in, - - - - -	15 790
SPEAKER OF HOUSE, may administer oath to members, - - - - -	4 120
must be a member, - - - - -	7 120
to certify to pay of members, - - - - -	12 121
pay of, - - - - -	14 121
when chosen, - - - - -	27 123
oath of, - - - - -	28 123
to appoint messengers, - - - - -	30 123
to call joint convention to, order, - - - - -	53 147
to present U. S. senator's certificate to governor, - - - - -	54 147
SPECIAL ADMINISTRATOR. <i>See under</i> ADMINISTRATOR. - - - - -	
SPECIAL CONSTABLES, judges of election may appoint, - - - - -	24 142
SPECIAL ELECTION, in Houston and Winona counties, for county officers, - - - - -	50 81
all candidates of votes to be on ballot, - - - - -	12 140
sheriff to notify, - - - - -	53 162
for cemetery trustees, - - - - -	50 285
SPECIAL PARTNER. <i>See</i> LIMITED PARTNERSHIP. - - - - -	
SPECIAL PROCEEDINGS. <i>See</i> HABEAS CORPUS; MANDAMUS; WRIT OF PROHIBITION. - - - - -	— 632
provisions as to, - - - - -	1 632
parties to, designated, - - - - -	2 632
judgment, motion and order in, what, - - - - -	10 476
SPECIAL TERM OF SUPREME COURT, how appointed and notified, - - - - -	16 480
of district court, same, - - - - -	17 181
SPECIAL TOWN MEETINGS; call, notice, business, - - - - -	17 181
form of statement and notice for, - - - - -	18 480
SPECIAL VENIRE, when district judge may rule, - - - - -	136 301
SPECIAL VILLAGE MEETINGS, when and how called, - - - - -	137 301
vacant offices may be filled at, - - - - -	137 301
how conducted, - - - - -	
SPENDTHRIFT. <i>See under</i> GUARDIAN. - - - - -	— 338
SPIRITUOUS LIQUORS, laws as to sale of, - - - - -	1 338
furnishing to Indians, penalty for, - - - - -	2 338
same, convicted offender to be confined in fort, if no jail, - - - - -	3 339
same, sheriffs, constables and justices to complain of, - - - - -	4 339
same, prosecution may be before justice, - - - - -	5 339
same, Indians may be witnesses as to, - - - - -	6 539
disposing of by sale, gift, &c., in the Sioux Indian purchase, penalty for, - - - - -	7 339
introducing into same territory except for U. S. army, penalty, - - - - -	8 339
officer of U. S. Indian or military departments may search for, - - - - -	8 339
in Sioux Indian purchase, libeled and forfeited, - - - - -	9 340
same, U. S. officer or state officer may destroy, - - - - -	10 340
distillery of in same, penalty for, - - - - -	11 340
same, any U. S. or state officer to destroy, - - - - -	12 340
person condemned under this act may be imprisoned until fine paid, - - - - -	14 340
laws as to inoperative in certain territory, - - - - -	15 340
or malt and fermented liquors, county supervisors may license sale of, - - - - -	16 340
same, fee and bond for license, - - - - -	17 341
same, license when expire, - - - - -	18 341
same, suit on bond for violation of license, how brought, - - - - -	19 341
same, county supervisors may revoke how, - - - - -	20 341
same, penalty for selling without license, - - - - -	20 341
same, destroyed if fine for violating law not paid, - - - - -	21 341
same, district attorney, civil officers and justices of the peace, to complain of, - - - - -	21 341
same, district attorney prosecute bonds, - - - - -	22 342
same, penalty and disqualification of officers not performing duty as to, - - - - -	23 342
same, if bond insufficient, supervisors liable, - - - - -	24 342
same, grand-jury to have list of those licensed to sell, - - - - -	25 342
same, grand-jury to indict for violation of laws as to, - - - - -	26 342
same, jurisdiction of justices under act as to, - - - - -	27 342
same, jury trial and appeal in suit under act, - - - - -	28 342
same, township vote on issuing of licenses, - - - - -	29 343
same, former acts as to repealed, - - - - -	25 731
not to be sold near religious meeting, - - - - -	26 731
same, penalty for doing, - - - - -	5 788
or others, forbidden to prisoners; exception, - - - - -	6 789
penalty for giving to prisoners or suffering them to have, by keeper, &c., - - - - -	7 789
same, by any other person, - - - - -	81 796
or fermented, not to be sold in or about state prison, - - - - -	84 88
ST. LOUIS COUNTY, created, bounded, by revised statutes, amended 1855, - - - - -	140 94
bounded, act of March 1, 1856, - - - - -	141 94
organized; governor to appoint county officers, - - - - -	142 95
attached to Benton county for judicial purposes, - - - - -	

55
1805

MINNESOTA STATUTES 1858

GENERAL INDEX.

1043

		Sec.	Page.
ST. LOUIS COUNTY, Manomin, Monroe and Isanti counties attached to for judicial purposes,	49	485	
ST. PAUL to be seat of justice of Ramsey county,	16	77	
STAGE COMPANIES, horses and stages where assessed,	126	199	
STANDARDS OF WEIGHTS AND MEASURES. <i>See</i> WEIGHTS AND MEASURES.			
to be kept in treasury,	1	372	
to be sealed by treasurer,	2	372	
for counties; procured and sealed,	3	372	
how proved,	5	372	
how provided if commissioners do not provide,	6	372	
weight of commodities sold by bushel,	11	373	
to be half bushel, for heaped measure,	12	373	
STATE, property of, governor custodian of,	2	125	
great seal of, governor to furnish,	13	126	
claims against, auditor's duty as to, (and following sections.)	22	127	
claims against. <i>See</i> AUDITOR OF STATE.			
credit of pledged for payment of auditor's warrants,	25	127	
finances, auditor's annual report on,	29	128	
<i>See</i> AUDITOR OF STATE; TREASURER OF STATE.			
debt to by treasurer, first paid if he insolvent,	64	131	
payments to be specie or current Minnesota notes,	66	131	
attorney general to appear for,	70	132	
same, in any suit, on governor's request,	71	132	
not to give security on appeals,	82	132	
furnish attorney-general's office,	83	132	
pay for stationery, fuel, &c., for supreme court,	88	133	
property of exempt from taxation,	4	229	
may be party to partition suit; how summoned,	58	604	
entitled to fines, &c., unappropriated,	11	616	
action for property forfeited to, how brought,	11	616	
act for relief of creditors of,	—	838	
governor's duty as to lands and salt springs granted to, (and next section,)	20	846	
STATE ADVERTISING. <i>See</i> PUBLIC ADVERTISING.			
STATE AUDITOR. <i>See</i> AUDITOR OF STATE.			
STATE BANKING DEPARTMENT, public printing for,	7	268	
STATE BINDING. <i>See</i> PUBLIC BINDING.			
STATE DEBT, provision for in five mill tax of 1858,	60	237	
STATE INSTITUTION FOR DEAF AND DUMB. <i>See</i> MINNESOTA STATE INSTITUTION, &C.			
STATE LIBRARIAN, when to distribute official copies of laws,	10	116	
when to forward lacking copies of laws to registers,	8	115	
governor and council to appoint,	106	135	
bond and oath of,	107	136	
to keep and insure library,	108	136	
to permit use of books to whom; conditions,	109	136	
how to permit books to be taken,	110	136	
annual report,	114	137	
to sue for penalties due library,	115	137	
governor may remove,	117	137	
salary of,	119	137	
STATE LIBRARY, to have twenty copies of all laws printed,	7	115	
to receive remainder copies of same,	10	115	
librarian's duties as to. <i>See</i> STATE LIBRARIAN.			
who may use; terms,	109	136	
when open,	113	136	
what books not to be removed from,	116	137	
governor may make regulations for use of,	118	137	
STATE LOANS. <i>See</i> LAND GRANT RAILROADS.			
act authorizing, of \$250,000,	—	837	
same, governor and treasurer to borrow; terms,	1	837	
same, bonds and coupons for,	2	837	
same, tax to be levied for interest of,	3	837	
same, tax for sinking fund for,	4	837	
same, sinking fund tax how invested,	5	837	
same, interest on how paid,	6	838	
same, treasurer to procure blank bonds for,	7	838	
same, credit of state pledged to payments on,	8	838	
STATE NORMAL SCHOOLS, act providing for,	—	353	
how to be established; state appropriation for, on what conditions,	30	353	
second state appropriation for, on what conditions,	31	353	
third, same,	32	354	
normal board of instruction, governor appoint,	33	354	
same, legislature afterwards appoint to,	33	354	
same, oath of, officers of; treasurer's bonds,	34	354	
same, state superintendent <i>ex officio</i> member and secretary,	34	354	
same, divide state into normal districts,	35	354	
same, locate normal schools how,	36	354	
location of schools not to be changed when,	37	354	
normal board may erect buildings, employ instructors, determine course, &c., for schools,	38	354	

MINNESOTA STATUTES 1858

1044

GENERAL INDEX.

		Sec.	Page.
STATE NORMAL SCHOOLS, same, appoint prudential committee to each school,	39	354	
duties of prudential committees of; report to board,	40	355	
tuition free to persons engaging to teach in public schools,	40	355	
annual report of normal board to legislature,	41	355	
director in district, and superintendent, to be special visitors of school; their duties,	42	355	
STATE OFFICERS, appointment, duties, &c., of,	—	125	
See ATTORNEY-GENERAL; AUDITOR OF STATE; CLERK OF SUPREME COURT; GOVERNOR; LIBRARIAN; NOTARIES PUBLIC; SECRETARY OF STATE; SUPERINTENDENT OF COMMON SCHOOLS; TREASURER OF STATE.			
accounts of, when to be rendered,	120	137	
executive to make reports to governor when required,	3	125	
cannot be governor,	11	126	
public printing for, contracted for how,	7	268	
STATE PRINTING. See PUBLIC PRINTING.			
STATE PRISON, directors and warden of may have legal advice from attorney-general,	77	132	
provisions as to, <i>Chgo. 7/20/40.1863</i>	—	792	
inspectors of, appointment, term of office, oath,	39	792	
same, board how organized and terms chosen,	40	792	
same, governor how appoint after first appointment,	41	793	
officers of who,	42	793	
warden how appointed; term of office,	43	793	
clerk, physician and chaplain, same,	44	793	
deputy warden, assistant keepers, guard, same,	45	793	
inspectors, meetings and duties of,	46	793	
same, when audit warden's accounts; contents of report,	47	793	
same, investigate charges against warden,	47	793	
same, have authority similar to arbitrators as to same,	48	793	
same, examine into and punish disorder by prisoners,	49	793	
same, minutes of, how signed, attested and preserved,	50	794	
same, establish rules and regulations; governor to approve or modify same,	51	794	
officers, &c., to have printed copy of rules and regulations,	52	794	
warden and deputy warden keep journal; contents,	53	794	
officers of not to have interest in shops,	54	794	
same, salaries of,	55	794	
inspectors, to purchase books annually for use of prisoners,	56	794	
same, pay of,	57	794	
bonds of officers of,	58	794	
warden, duties of,	59	794	
same, prison business to be done in name of,	60	794	
provisions supplied to by contract; contract how made,	61	794	
contracts to be written and filed,	62	794	
medicine, clothing and stores, how purchased,	63	794	
warden and deputy warden's accounts of moneys, and report on same,	64	794	
warden's annual report,	65	794	
same, annual report of pardons,	66	795	
same, deputy warden supply vacancy in office of,	67	795	
physician keep register of sick convicts; contents,	68	795	
books, accounts, documents, &c., to be public property; warden preserve copies,	69	795	
officers not to employ convict labor,	70	795	
confinement to be used if cells sufficient,	71	795	
clothing, bedding and food of convicts, to be what,	72	795	
warden furnish Bible to each convict able to read,	73	795	
same, have charge of convict's property,	74	795	
same, furnish discharged convict with suit of clothes,	75	795	
no writing or information to be furnished to convicts,	76	796	
who may visit prison at pleasure; others how permitted,	77	796	
copy of sentence to warden, and receipt by him, of convict entering,	78	796	
warden use means, offer reward, &c., for escaped convict,	79	796	
same, pay reward if escape by his negligence,	79	796	
rewards, &c., for escaped convict, how paid,	80	796	
no spirituous or fermented liquors to be sold in or near,	81	796	
fees, &c., for conveying convicts to, how paid,	82	796	
expenses of, how paid,	83	796	
inspectors may make rules as to visiting,	84	796	
officers how exempt from military and jury duties,	85	796	
annual report, how printed and distributed,	86	796	
warden's accounts at resignation, &c., how settled,	87	796	
workshops of how leased,	88	796	
same, income from, how paid,	89	796	
convicts how let to service; wages,	90	796	
provision in lease of workshops for employment of convicts,	91	797	
warden to occupy dwelling-house free,	92	797	
attorney-general's duty as to late warden,	93	797	
title of land at Stillwater, investigation of,	94	797	
disposal of tools and machinery now in,	95	797	
former acts as to repealed,	96	797	
STATE ROADS, supervisors may not alter,	215	220	

MINNESOTA STATUTES 1858

GENERAL INDEX.

1045

Roll tax etc for 3/12 25 1863

	Sec. Page.
STATE TAX, of five mills, for 1853, provisions for, -	— 237
<i>See</i> TERRITORIAL TAX.	
five mills, for 1859, provisions for, -	— 238
for interest of \$250,000 loan, -	3 837
for sinking fund for same, (and next sections,)	4 837
STATE TREASURER. <i>See</i> TREASURER OF STATE.	
STATUTES. <i>See</i> LAWS, &c.; REVISED STATUTES.	
provisions for construction of, (and following sections,)	1 113
passed 1849, when to take effect, -	1 113
when to take effect, if no time prescribed, -	3 114
originals deposited with secretary of state, -	4 115
to be printed in newspaper after so deposited, -	5 115
revision of 1851 evidence, -	6 115
distribution of printed copies of, -	7 115
fifty copies to go to each county register, -	8 115
copies when to be returned to register, -	9 115
revision to take effect March 31, 1851, -	11 116
repeal of not to affect offense, or penalty earlier than date thereof, -	12 116
“ “ prosecution, &c., -	13 116
repealed by act of March 31, 1851, and not re-enacted, are repealed, -	14 116
“ “ by same, and before repealed not intended to have been valid, -	15 116
in revision, repealed by same, not to affect office, &c., -	16 116
abolishing office, and not in revision, when take effect, -	17 116
passed March, 1851, conflicting with revised statutes, to prevail, -	18 116
chapters conflicting in, each to prevail how, -	19 116
last section of two conflicting in same chapter, prevails, -	20 117
sundry chapters of revision take effect May 1851, -	21 117
acts of March session, 1852, when take effect, -	23 117
provision for publication of, -	24 117
to be printed in newspaper in St. Paul, -	25 117
compared with original roll before published, -	26 118
commissioners appointed to revise and compile, -	28 118
compilation if commissioners decline, -	30 118
compilation of, style, approval and publication of, -	31 118
copyright guaranteed to publisher; conditions, -	32 118
publisher's bond to save state from expense, -	33 119
private, how pleaded, -	83 543
printed copies of evidence, -	55 682
of other states or United States, when evidence, -	56 682
private, how pleaded on indictment, -	16 745
STAY OF EXECUTION, on justice's judgment, when allowed, -	81 509
same, recognizance and proceedings on, (and next sections,)	82 510
when writ of error cause, -	23 623
STAY OF JUDGMENT, in justice suit, execution revoked on, -	86 510
STAY OF PROCEEDINGS. <i>See</i> INJUNCTION.	
perfecting of appeal to cause when, -	21 623
on writ of error when, -	28 624
same, disposal of plaintiff in error, -	29 624
for what time granted without notice to adverse party, -	16 627
on appeal, in forcible entry and detainer, -	18 652
on justice's certificate in same, -	19 652
after decree for sale on mortgage for default of payment, -	19 672
when writ of error to cause, in criminal case, -	45 786
STEALING. <i>See</i> LARCENY.	
STEAMBOAT, causing death of person by permitting explosion of steam, to be manslaughter in the third degree, -	18 704
STEAMBOAT, VESSEL, &c., fraudulent wrecking, burning, &c., penalty, -	35 713
lading or fitting, with intent to cast away, &c., penalty, -	36 713
making out false invoice, bill of lading, &c., penalty, -	37 713
making or causing false affidavit, protest, &c., to defraud insurer; penalty, -	38 713
STEARNS COUNTY, boundaries, act of February 20, 1855, -	78 86
act organizing, -	— 88
governor to appoint first county commissioners, -	91 88
St. Cloud to be county seat, -	92 88
sheriff how to be appointed, -	93 89
terms of district court to be held in, -	94 89
Todd, Davis, and Cass counties attached to for judicial purposes, -	95 89
line between and Meeker county to be voted for, February 24, 1858, -	214 105
boundaries of, act of March 20, 1858, -	219 105
southern boundary, next Wright county, same time, -	220 106
Todd county attached to for judicial purposes, -	49 485
STEELE COUNTY, bounded, act of February 20, 1855, -	67 84
county seat of, Owatonia; how to be removed, -	130 93
part of Dodge county annexed to, act of February 29, 1856, -	132 93
declared an organized county, -	133 93
Wassica county set off from, February 27, 1857, -	159 96
“ “ attached to for judicial and representative purposes, -	164 97

MINNESOTA STATUTES 1858

1046

GENERAL INDEX.

	Sec. Page.
STEELYARDS, allowed; how to be proved and sealed,	9 373
STILLWATER; to be seat of justice of Washington county,	15 77
state prison to be at,	38 792
STOCK. <i>See</i> CORPORATIONS; STOCKHOLDERS; and under names of corporations.	
of corporations, where assessed;	126 199
STOCKHOLDERS. <i>See</i> CORPORATIONS; and under names of corporations.	
of plank roads and turnpikes; individual liability of,	94 295
same, contribution among,	94 295
same, liable for excess of company debt,	95 295
same, when joint defendants with company,	96 295
same, when separate defendants,	96 298
STOLEN GOODS; receiving, buying, &c., penalty,	17 710
same, jurisdiction of justice relative to,	18 710
same, on trial for, not necessary to aver conviction of thief,	19 710
to be delivered to owner on conviction,	20 711
compensation to officer for keeping,	21 711
coming into officer's hands, held subject to what order,	39 785
deliverable to owner on proof of title and paying expenses,	40 785
coming into magistrate's hands, how owner may have,	41 785
deliverable to owner on proof of title, &c., by order of court,	42 785
STRAY. <i>See</i> ESTRAY.	
STREAMS; railroad company may divert and restore at making road,	257 322
STREET COMMISSIONER; village trustees to appoint,	138 302
notify of taxes for street improvement; receive them,	152 305
return tax list for same, and unpaid taxes,	152 305
receive and expend unpaid tax when collected,	154 305
collect damages on street opening, &c.,	156 306
duties and compensation of,	184 310
STREETS; in village, authority of trustees as to,	138 302
same, application for improvement of,	150 304
same, trustees levy and collect tax for,	150 305
same, application for sidewalk,	151 305
same, notice and collection of tax for improvement,	152 305
same, return of tax list for improvement,	153 305
same, collection of unpaid tax for improvement,	154 305
same, damages for opening, &c., how assessed,	155 305
same, damages for opening, &c., levied and paid,	155 306
same, damages for opening, &c., collected; return,	156 306
SUBMISSION TO ARBITRATION. <i>See</i> ARBITRATION.	
SUBMISSION OF CONTROVERSY WITHOUT ACTION,	— 643
to what court; must be in good faith; judgment,	7 643
judgment how entered; judgment roll what,	8 643
same, how enforced or appealed,	9 643
SUBORNATION OF PERJURY. <i>See</i> PERJURY.	
SUBPENA; in contested elections,	74 151
coroner may issue,	103 170
commissioner for road appraisal may issue,	98 291
judge or justice may issue for such appraisal,	79 291
in trespass on school, &c., lands; form,	18 365
same, service of,	19 365
to prove execution, &c., of deed,	19 399
same, penalty for disobedience to,	20 399
from justice, how served,	50 504
same, attachment on disobeying,	51 504
same, form,	178 523
who may issue; form of,	1 675
how served; by whom,	2 675
when issue in pre-emption case,	99 638
same, contents of,	100 638
blank, to be issued for defendant in criminal case,	31 784
state prison inspectors may issue on trial of charges against warden,	48 793
SUBSCRIPTIONS. <i>See</i> ARTICLES OF ASSOCIATION.	
SUBSTITUTE FOR HIGHWAY LABOR; day's work; penalty of failure,	171 209
SUICIDE; assisting in, manslaughter in first degree,	9 703
SUIT. <i>See</i> ACTION.	
SUMMONS; how left in suit against county,	257 110
returnable in suit as to town,	76 191
on highway overseer's complaint; form,	174 209
of jury to assess road damages,	26 253
of coroner's jury; form,	100 169
by justice, contents,	11 499
same, form,	178 522
civil actions commenced by,	48 537
signed how; direction and contents of,	49 537
contain what notice to defendant,	50 537
copy of complaint served with, or what notice,	51 537
served and returned how,	52 538

MINNESOTA STATUTES 1858

GENERAL INDEX.

1047

	Sec. Page.
SUMMONS , copy of to be delivered to whom, as service,	53 538
served by, publication when,	54 538
copy of how mailed,	55 538
if not served or received by mail, defendant may defend, when,	56 539
how served on one of several defendants,	57 539
proof of service of, what,	58 539
service of, jurisdiction of court begins with,	59 539
in action for partition of real property, how addressed,	2 598
to joint parties or representatives, contents of,	3 625
same, what affidavit accompany,	4 625
what provisions as to service of papers not apply to,	28 628
how and when to be filed with clerk,	30 628
in forcible entry and detainer, service of,	4 650
same, when served by copy,	6 650
same, form of,	24 658
SUNDAY , courts not to be open on; exception,	5 478
omitted if last day of time limited for doing action,	42 630
labor on prohibited; fine,	19 730
for above purpose, includes what time,	20 730
civil process not to be served during; liability for same,	21 730
penalty for disturbing religious meetings on,	23 731
SUPERINTENDENT OF COMMON SCHOOLS , may have legal advice from attorney-general,	77 132
act creating office, &c.,	— 135
appointment; term of office; contents of report,	103 135
to introduce and recommend text-books,	104 135
to visit schools,	104 135
salary of,	105 135
resignation, how made,	1 246
visit and examine institutions of learning,	229 317
<i>ex-officio</i> members and secretary of state normal board,	34 354
one of the special visitors of the normal school,	42 355
SUPERVISORS . <i>See</i> COUNTY SUPERVISORS; TOWN SUPERVISORS.	
<i>See</i> APPEAL; EXCEPTION; WRIT OF ERROR.	
SUPREME COURT , judges to approve revision of statutes,	31 118
judge may administer oath to members of legislature,	4 120
judges of must give written opinion to either house of legislature,	15 123
or judge, to administer oath to attorney-general,	68 131
prosecutions against corporations may be in,	76 132
clerk of, act relative to,	— 133
same, oath and bond of,	86 133
same, may appoint deputy,	87 133
same, to procure stationery, fuel, &c., for court,	88 133
same, subject to rules of supreme court,	89 133
same, deputy may supply place of if absent,	89 133
to hear appeal in contested election case,	74 151
judges <i>ex-officio</i> visitors of state deaf and dumb asylum,	57 357
review proceedings as to title of town site lands, how,	8 387
same,	9 388
same,	10 389
provisions as to,	— 474
one of courts of state,	1 474
session of, how continued and adjourned,	2 475
jurisdiction of,	3 475
may issue what writs,	4 475
writs of error from, when not to stay judgment, &c.,	4 475
authority of; may make rules of practice,	5 475
decisions to be in writing, and filed,	6 475
judge of may issue process during vacation,	7 475
if judges absent, proceedings,	8 475
same, when clerk adjourn,	9 475
special term of, when held; how notify,	10 476
reporter of, duties of,	11 476
same, cause reports to be printed and delivered,	12 476
same, term of office, and salary of,	13 476
communicate decisions to reporter,	11 476
terms of, when and where held,	14 476
make rules of court and for practice,	29 481
take jurisdiction of cases, &c., pending in territorial supreme court,	61 487
execute mandates and writs of supreme court of United States,	62 487
judges of take jurisdiction of proceedings pending before those of territorial supreme court,	65 488
authority of in appeals,	1 621
same, (<i>and see under</i> APPEAL,)	2 621
when appeal allowed to,	11 621
issue writs of error when; when returnable,	22 623
sufficiency of sureties on bonds, &c., in, how determined,	24 623

MINNESOTA STATUTES 1858

1048

GENERAL INDEX.

	Sec. Page.
SUPREME COURT , bonds, &c., in, where filed, - - - - -	25 623
when stay proceedings, if writ of error, - - - - -	28 624
if such stay, disposal of defendant, - - - - -	29 624
award damages if judgment below affirmed on error, - - - - -	30 624
another writ of error may be issued out in if first dismissed, &c., - - - - -	31 624
appeals from justice or probate not first removed to, - - - - -	47 630
issue writs of prohibition, - - - - -	18 638
proceedings as to same. <i>See WRIT OF PROHIBITION.</i>	
may admit attorneys how. <i>See ATTORNEY.</i>	
SURETY ON RECOGNIZANCE , in appeal from justice, when judgment against, - - - - -	147 518
same, when execution against, - - - - -	148 518
same, may have action against principal for amount collected, - - - - -	149 518
on undertaking at delivery of personal property, in action for same, how justify, - - - - -	134 549
on defendant's undertaking at retaining same, - - - - -	136 549
in same action, qualifications of, - - - - -	137 550
on security for costs, exception to, - - - - -	34 581
same, how justify, - - - - -	35 581
on official security, recovery against not to exceed undertaking, - - - - -	5 615
same, judgment against first enforced against principal, - - - - -	6 615
same, court limit, amount to be collected of, to undertaking, - - - - -	7 615
on security on appeal, &c., how determined, - - - - -	24 623
on bond in court of chancery, sufficiency of, how ascertained, - - - - -	5 671
on recognizance to keep the peace, &c., authority to surrender principal, - - - - -	20 742
on recognizance in criminal case, discharge himself by paying amount and costs, - - - - -	29 748
SURVEY , to be by true meridian, - - - - -	89 167
of road petitioned for, how ordered, - - - - -	21 252
of town plots, what to contain, - - - - -	1 369
same, stones to be fixed for future, - - - - -	3 370
same, how certified and recorded, - - - - -	4 370
on petition respecting road; report of; form, - - - - -	192 213
of plank road or turnpike, how made and recorded, - - - - -	71 289
of proposed village, how made and verified, - - - - -	117 298
same, how deposited for inspection, - - - - -	119 299
of land levied on, to set off portion exempt, - - - - -	95 570
of public land, copy of how evidence, - - - - -	90 687
SURVEYOR. <i>See COUNTY SURVEYOR.</i>	
to certify survey of town plot, - - - - -	4 370
fees of in survey, &c., of town plot, - - - - -	8 371
SURVEYOR-GENERAL OF LUMBER , sealing stolen logs, penalty, - - - - -	5 826
elected by legislature for districts, - - - - -	20 828
offices of, where, - - - - -	21 828
oath and bond of, - - - - -	22 828
same, where deposited; suits on bond, - - - - -	23 828
duties of, - - - - -	— 829
appoint deputies; responsible for them, - - - - -	29 829
fees of, - - - - -	31 829
SWINE. <i>See ANIMALS; ESTRAY; HOGS.</i>	
SWORN , term indicates term affirmed, - - - - -	2 114
TALESMEN , when summoned to fill justice's jury, - - - - -	191 525
TAVERN-KEEPER , record description of property left, - - - - -	48 265
notify owner by letter, - - - - -	49 265
TAX. <i>See ASSESSMENT; ASSESSOR; COUNTY COLLECTOR; COUNTY TAX; LICENSE; ROAD TAX; STATE TAX; TERRITORIAL TAX; VALUATION FOR TAXES.</i>	
unorganized counties how annexed for, - - - - -	21 77
same, - - - - -	41 80
delinquent, of part of Ramsey county annexed to Hennepin, - - - - -	128 93
town supervisors to inform auditor as to, - - - - -	31 128
auditor to distribute county lists of lands subject to, - - - - -	34 128
auditor to distribute county forms for assessing and collecting, - - - - -	35 128
auditor may remit penalty for not paying, - - - - -	36 128
auditor to distribute statements of paid last year, - - - - -	37 128
proceedings if county treasurer fail to return and pay, - - - - -	42 129
delinquent, when state treasurer held for, - - - - -	62 131
laws on, attorney-general to prosecute violations of, - - - - -	74 132
county commissioners to fix amount of, &c., - - - - -	5 154
same, - - - - -	14 155
register to return certified statement of, - - - - -	28 158
register to give collector same, - - - - -	28 158
register to give collector precept to collect, - - - - -	28 158
unaccounted for, treasurer's proceedings as to, - - - - -	40 160
when sheriff leaving office may collect, - - - - -	59 162
of county, sheriff's fees for collecting, - - - - -	61 162
to be levied on town for town charges, - - - - -	86 192
for county buildings, proclamation of levy of, - - - - -	106 195
same, contents of proclamation, - - - - -	107 196
same, election, form of ballot, canvass, - - - - -	108 196
same, how assessed and collected, - - - - -	109 196

delinquent, when state treasurer held for, 62 131
laws on, attorney-general to prosecute violations of, 74 132
county commissioners to fix amount of, &c., 5 154
same, 14 155
register to return certified statement of, 28 158
register to give collector same, 28 158
register to give collector precept to collect, 28 158
unaccounted for, treasurer's proceedings as to, 40 160
when sheriff leaving office may collect, 59 162
of county, sheriff's fees for collecting, 61 162
to be levied on town for town charges, 86 192
for county buildings, proclamation of levy of, 106 195
same, contents of proclamation, 107 196
same, election, form of ballot, canvass, 108 196
same, how assessed and collected, 109 196

	Sec.	Page.
TAX, delinquent, county treasurer's duty as to,	117	198
town collector how to pay over,	139	201
same, his sale for,	140	202
same, mode of collecting,	142	202
sale for, notice of; by auction,	143	202
of person removed after assessment,	145	203
when paid over by town collector,	146	203
unpaid, collector's duty,	147	203
collector's default in paying,	150	204
same, a felony,	154	205
county treasurer's receipt for a discharge,	155	205
oppressive, for road damages; proceedings,	205	218
act for assessing and collecting,	-	229
all property subject to,	1	229
real property, what,	2	229
personal property, what,	3	229
where assessed,	5	230
on unoccupied land,	6	230
on real estate of corporations,	7	230
on undivided real estate of deceased,	8	230
on personal estate, where assessed,	9	231
on goods, stock in trade, &c., where assessed,	10	231
on partners, how assessed,	11	231
stock and personality of corporations, where assessed,	12	231
same, liable for,	12	231
property of member of corporation, when sold for,	12	231
not assessed on stock taxed in corporation,	13	231
on personal property mortgaged, &c.,	14	231
duties of assessors as to, (and following sections,)	15	231
lands sold for, how described,	20	232
how assessed on trustee, &c.,	18	232
mode of equalizing and assessing, (and following sections,)	23	232
valuation for, entered on county records,	25	233
same, sent to state auditor,	26	233
general, auditor to apportion; rule,	26	233
same, when to be paid by county,	26	233
county commissioners to apportion,	27	233
register to make and deliver certificate and warrant to collector,	28	233
of county, county orders received for,	29	234
territorial and school, payable in specie,	29	234
sheriff to receipt on payment; penalty for false return,	31	234
same, to notify sale for,	32	234
same, may re-sell for, when,	33	234
collected where failure to sell for,	34	234
collected where person removed,	35	234
surplus over sale, returned,	36	234
sheriff's duty if double assessment,	37	234
same, return of delinquent,	38	235
same, affidavit to same; same credited to him; his fees,	39	235
delinquent, when credited to sheriff,	40	235
sheriff failing to pay over, penalty,	41	235
counties to pay over in specie,	42	235
when to be paid over,	55	237
delinquency in paying over, proceedings; penalty,	56	237
on lands bid off for county at tax sale,	78	240
uncollected by error, how collectable,	96	243
improperly assessed, refunding,	97	243
to be lien on land; joint how apportioned,	98	243
person having lien on land may pay,	101	244
when tenant may pay and recover,	102	244
limitation of time of action for,	105	244
penalty for sheriff's default in paying over,	106	244
when grantee, and when grantor, to pay,	112	245
fees on proceedings relative to,	115	245
for village street improvement. See STREETS IN VILLAGE.		
general, of village, determined and assessed when,	157	306
same, assessors' compensation,	157	306
same, assessment roll how made out,	157	306
same, notice of completion and correction of roll,	158	306
same, trustees cause levy, and issue tax warrant for same,	159	306
same, warrant how made and signed; how renewable,	160	306
same, marshal's bond before collecting,	161	307
same, marshal's compensation for collecting,	162	307
same, marshal to notify of time and place of collecting,	163	307
same, marshal when distrain and sell for,	164	307
same, marshal pay over and make return,	165	307
same, treasurer how advertise sale of lands liable for,	166	307

MINNESOTA STATUTES 1858

GENERAL INDEX.

1051

	Sec.	Page.
TAXES, collector's return of, proceedings (and next section),	38	235
<i>See TAX SALE.</i>		
TAXES, EXEMPTION FROM, of what institution,	4	229
same, of Indians,	4	230
same, under act of January 28, 1858,	57	237
same, of cemetery lands,	54	286
same, of scientific institutions,	4	230
none, under homestead exemption law,	98	570
TEACHER, of district school, when to be district librarian,	65	359
trustees examine and employ,	70	360
trustees pay; how,	70	360
keep register; contents; forward copy to school superintendent, when,	77	361
TECHNICAL WORDS AND PHRASES, how construed,	2	113
not regarded in election returns,	47	146
not regarded in contested election case,	74	151
TELEGRAPH, penalty for malicious injury to,	42	714
TENANT, paying taxes on real estate may recover same,	101	244
TENANT IN COMMON, may sue co-tenant for excess of rent received,	38	411
TENANT BY CURTESY. <i>See ESTATE BY CURTESY.</i>		
title of not affected by chapter on title by descent,	11	418
TENANT FOR LIFE. <i>See ESTATE FOR LIFE.</i>		
when may have special and beneficial power,	15	392
power of to lease, how not assignable; how extinguished,	16	392
same, he may release how; effect,	17	392
mortgage by does not extinguish power to lease,	18	393
effect of mortgage by on same,	19	393
effect of conveyance by of estate greater than he possesses,	9	397
TENANT IN TAIL, when convey allodial estate,	4	377
TENANT FOR YEARS. <i>See ESTATE FOR YEARS.</i>		
effect of conveyance by of greater estate than he possesses,	4	397
TENDER to plaintiff of alleged amount due, when precludes him from recovering costs,	14	579
TERM OF OFFICE. <i>See OFFICE, TERM OF.</i>		
TERRITORIAL AUDITOR. <i>See AUDITOR OF STATE.</i>		
resignation how made,	1	246
TERRITORIAL DISTRICT COURTS, jurisdiction of transferred to those of state, (and next section),	41	483
same,	—	487
TERRITORIAL ROAD, must pass county line,	10	250
who must petition for,	10	250
on county line; officers of each county must vacate,	12	250
road commissioners, how may alter,	30	254
when must be surveyed and plotted,	32	254
TERRITORIAL SUPREME COURT, jurisdiction of transferred to state supreme court,	—	487
judges of, proceedings before transferred to judges of supreme court of state,	65	488
TERRITORIAL TAXES. <i>See STATE TAX.</i>		
governor to appoint county assessor and collector of,	45	236
assessor and collector's bond,	46	236
duties of same,	47	236
annual statement of same to auditor,	48	236
auditor to apportion to counties,	26	233
payable by collector in specie,	29	234
same, by county treasurer,	42	235
mill tax, levied on county,	44	235
in unorganized counties, act providing for,	—	236
TERRITORIAL TREASURER, resignation of, how made,	1	246
approve county assessor and collector's bond,	46	236
<i>See TREASURER OF STATE.</i>		
TERRITORY, lands granted to for railroads accepted,	1	843
TESTATOR'S ESTATE, liable for debts, administration expenses, widow's and children's support how,	30	429
TESTIMONY. <i>See COMMISSION TO TAKE DEPOSITION; DEPOSITION; EVIDENCE; PERJURY; WITNESS.</i>		
when judge of probate may take,	80	166
of coroner's witnesses to be in writing,	105	170
court may order production of books and papers containing,	15	479
if same refused, judgment,	15	479
what jury may have with them during deliberation,	25	560
before arbitrators; what; sworn,	21	692
of female seduced, not alone sufficient to convict,	6	729
on examination of offender, to be reduced to writing,	15	746
of accomplice, must be corroborated to convict,	8	782
jury in criminal case may have what before them, during deliberations, (and next section),	15	783
same, how inquire of court as to, after retiring,	17	783
in mitigation or aggravation of sentence, when given,	26	784
same, how given, (and next section),	27	784
on conviction for capital offense, sent to governor,	29	784

MINNESOTA STATUTES 1858

1052

GENERAL INDEX.

	Sec. Page.
TEXT-BOOKS. <i>See</i> SCHOOL-BOOKS.	
THANKSGIVING, governor to appoint by proclamation,	8 126
THEATRICAL EXHIBITION. <i>See</i> PUBLIC SHOWS, &c.	
TREATS. <i>See</i> RECOGNIZANCE TO KEEP THE PEACE.	
with intent to extort money; penalty,	37 706
TIE, at election to legislature, proceedings,	31 143
same, of county officers,	32 144
same, of member of congress,	33 144
same, to vacancy in-board of presiding electors,	65 149
same, road commissioner,	15 251
TIMBER. <i>See</i> LOGS AND LUMBER.	
taken for repair of highway of bridge, what damages recoverable for,	20 597
TIME. <i>See</i> LIMITATION OF ACTIONS.	
limited for doing an act, how computed; Sunday omitted if last day,	42 630
for publishing legal notices, how fixed; how computed,	53 630
of argument of counsel, limited to one hour,	44 630
TITLE TO LANDS. <i>See</i> INHERITANCE.	
register of deeds to give abstract of,	29 158
how passed to plank road, &c., company,	83 292
of town sites. <i>See under</i> TOWN SITES, &c.	
not to be questioned for alienage,	36 411
how descends at death of intestate owner,	1 411
by descent, rules as to,	— 411
same, chapter as to not to affect title of tenant by curtesy or dower,	11 483
coming in question before justice, his proceedings,	38 502
when must be proved in partition suit,	7 599
court of chancery may pass by decree,	1 670
certificate of receiver of land office, evidence of title,	88 686
same, mineral ground exception to,	88 686
fraudulently conveying without,	40 714
TODD COUNTY, created and bounded, Feb. 20, 1855,	85 88
attached to Stearns county for judicial purposes,	95 89
same,	49 485
attached, Morrison county, for same,	120 92
TOLL. <i>See</i> TOLL-GATE.	
rates of on plank road,	86 293
same, on turnpike,	87 293
exemption from,	88 293
penalty for exacting excessive,	105 297
rates of posted,	107 297
detention to enforce payment of,	108 297
penalty for avoiding to pay,	111 298
on bridges, rates of; how posted,	296 330
company authorized to receive, franchises and other property to be sold on judgment	
against,	349 336
same, purchaser may take,	353 336
TOLL. <i>See</i> TOLL-GATE.	
TOLL-GATE, on plank road, when may be erected; rates of toll,	86 293
on turnpike roads, same,	87 293
who to pass free; who at half price,	88 293
when county commissioners may apply to change; proceedings,	89 293
appeal from their action,	89 294
complaint to justices, to open for ill repair; proceedings,	98 296
same, notice of; when gate shut again,	99 296
same, if ill repair in next county,	100 296
same, appeal on, proceedings,	101 297
penalty for keeper's misconduct,	102 297
rates of toll to be posted at,	107 297
penalty for injuring,	110 298
same, passing without paying toll,	111 289
TOLL BRIDGES, where assessed,	126 199
TOMB. <i>See</i> SEPULCHRE.	
TOMBS, exempt from taxes,	4 230
TOMBS, &c., ornaments on, trees, &c., near, violation for injuring,	16 730
TOOMBS COUNTY, created and organized, March 18, 1858,	223 106
Breckenridge to be county seat of,	223 106
governor to appoint commissioners of, duties,	224 106
TOWN, word includes cities and districts,	2 114
elections in act regulating contest of,	— 150
contests of decided by judge of probate,	72 150
organization of act relative to,	— 178
governor to appoint commissioners to lay off,	1 178
commissioners to record boundaries; officers when to qualify,	2 178
towns, fractional towns, &c., how divided and constituted,	3 178
towns, how to be named,	4 179
commissioners to report in writing to register of deeds,	5 179
register to appoint first town meeting; penalty,	6 179
sheriff to post notices of same; penalty,	6 179

	Sec.	Page.
TOWN, description of to be sent by register and recorded, - - - - -	7	179
no two to have same name, - - - - -	8	179
state auditor to record names and boundaries of, - - - - -	9	179
corporate capacities of, - - - - -	10	179
to have no powers except those given, - - - - -	11	180
acts, &c., by or against, to be in name of, - - - - -	12	180
conveyance of lands for, may be how made, - - - - -	12	180
assessors and supervisors to be fence-viewers, - - - - -	15	181
failing to elect officers; or vacancy, proceedings, - - - - -	47	186
refusing, &c., to organize, proceedings, - - - - -	49	187
inhabitants may be witness or juror in case as to, - - - - -	52	188
to provide book for chairman of supervisors' accounts, - - - - -	53	188
account of finances of, - - - - -	53	188
same, annual settlement of, - - - - -	54	188
accounts against, how submitted to auditors, - - - - -	57	188
money to be raised on, entries of how submitted, - - - - -	58	189
suits between, and between and individuals, how conducted, - - - - -	74	191
same, in what name; exception, - - - - -	75	191
same, summons when returnable, - - - - -	76	191
same, supervisor's duty in, - - - - -	77	191
same, inhabitants may be witnesses and jurors, - - - - -	78	191
same, same; but between towns not to be juror, - - - - -	78	191
suit for, when before justice; justice not to be resident of, - - - - -	79	191
action for trespass on lands of; measure of damages, - - - - -	80	191
suit as to lands of; when partition of same, - - - - -	81	192
suits as to, costs; judgments how recovered, - - - - -	82	192
action of as to pounds, (and next section,) - - - - -	83	192
what charges against, - - - - -	85	192
money for charges against, how levied, - - - - -	86	192
when pay expense of road appeal, - - - - -	200	217
to be election precincts, - - - - -	216	220
elections, supervisors judges, - - - - -	216	220
secretary of state to have laws as to printed, - - - - -	217	220
may raise money for what, when, - - - - -	219	220
act of March 20, 1858, as to repealed, - - - - -	220	220
property exempt from taxation, - - - - -	4	230
tax for schools exempt from act of January 28, 1858, - - - - -	57	237
may vote whether liquor licenses shall be given, - - - - -	28	342
district court may change name of, - - - - -	34	482
proceedings to change name, - - - - -	36	482
notice of change, - - - - -	37	482
change how recorded, - - - - -	38	483
same, costs of proceedings how paid, - - - - -	39	483
TOWN ASSESSOR, when chosen, - - - - -	14	180
to be, with supervisors, fence-viewers, - - - - -	15	181
to be chosen by ballot, - - - - -	23	183
oath of, when to be taken; form, - - - - -	33	184
same, certificate to be filed, - - - - -	34	184
result of neglect to take and file as above, - - - - -	35	184
fine for refusing to serve, - - - - -	43	186
compensation of, - - - - -	72	190
TOWN AUDITORS; who to be; duties, - - - - -	66	189
when to meet; duties, - - - - -	67	189
disposal of accounts certified by, - - - - -	68	190
audit all charges, &c., against towns, - - - - -	69	190
audit compensation of town officers, - - - - -	69	190
certificate by; claim allowed by, how paid, - - - - -	70	190
to audit road damages, - - - - -	204	218
TOWN AUTHORITIES, duty as to town sites. <i>See under</i> TOWN SITES, &c.		
TOWN CLERK. <i>See</i> TOWN AUDITORS.		
to notify meetings, - - - - -	13	180
when chosen, - - - - -	14	180
call meetings to order; to be clerk thereof, &c., - - - - -	18	182
be chosen by ballot, - - - - -	23	183
oath of, when to be taken; form of, - - - - -	33	184
same, to file certificate, - - - - -	34	184
result of neglect so to take and file, - - - - -	35	184
may approve constable's bond, - - - - -	39	185
fine for refusing to serve, - - - - -	43	186
part of board to fill vacancy in town office, - - - - -	47	186
approve bond of chairman of supervisors, - - - - -	51	187
sue on same, if forfeited, - - - - -		
aid in auditing chairman of supervisors' account, - - - - -	54	188
keep records, &c., and file certificates, &c., - - - - -	60	189
enter proceedings of town meeting, &c., - - - - -	61	189
deliver certified copies of votes for raising money, - - - - -	62	189

MINNESOTA STATUTES 1858

1054

GENERAL INDEX.

	Sec. Page.
TOWN CLERK, return names of justices and constables chosen,	63 189
same, penalty for neglect,	64 189
certified copies by, evidence,	65 189
on board of town auditors,	66 189
to keep and exhibit audited town accounts,	68 190
" " certificates to claims,	70 190
compensation of,	72 190
successor to demand books, &c.,	87 192
same, in case of vacancy,	88 192
same, books and money deliverable on oath,	89 192
same, demand, &c., in case of death,	90 193
duty in reviewing assessments,	129 200
to obtain assessment roll from county clerk,	136 201
to notify of filling vacant collectorship,	148 203
record division of road districts,	156 205
notify appointee to vacant highway overseership,	160 207
deliver highway overseer's list to supervisors,	163 207
duty as town supervisors' orders as to road,	192 213
file same orders,	193 214
make out statement of road damages,	204 218
part in deciding that road damages too high,	205 218
TOWN COLLECTOR, when chosen,	14 180
to be chosen by ballot,	23 183
oath, when taken, form of,	33 184
certificate of taking same,	34 184
result of neglect so to take and certify,	35 184
bond of, when filed, how made and approved; form,	37 184
same, filed and entered by register of deeds,	38 185
same, lien on collector's estate,	38 185
effect of neglect to take oath and give bond,	42 186
warrant; form of,	139 201
compensation; payment over of tax,	139 201
when to levy by sale,	140 202
mode of collection; if payment not made,	142 202
sale of taxes; form of notice,	143 202
to return surplus from sale,	144 202
proceedings if taxable removed,	145 203
when to pay over; duplicate receipts to,	146 203
duty as to unpaid taxes,	147 203
vacancy in office, how filled,	148 203
same, warrant how modified,	149 203
defalcation by,	150 204
same, sheriff's duties,	151 204
same, sheriff's return; supervisor sue on bond,	152 204
defalcation by a felony; punishment,	154 205
to have discharge in full when,	155 205
TOWN COMMONS, when partition of,	81 192
TOWN LANDS, when partition of,	81 192
TOWN LOTS, how assessed,	132 200
TOWN MEETINGS, laws relative to,	— 180
annual, when to be held; notices,	13 180
what officers to be chosen at,	14 180
form of notice for,	13 180
power of electors at,	16 181
special, for what; when; called; notice; form of same,	17 181
how constituted; who to be clerk,	18 182
oath of moderator,	18 182
questions at, how determined,	19 182
challenges of votes; proceedings; oath; form of same,	20 182
qualification of voters at,	21 182
minutes how signed and kept,	22 183
proclamation at opening polls at,	23 183
voting at, how,	24 183
ballots how made and folded,	25 183
poll list when kept, by whom,	26 183
same, form of,	26 183
ballot box, when used,	27 183
canvass of votes, by whom, when,	28 183
double votes to be destroyed,	29 183
clerk to read publicly result of election,	30 183
same, to notify those elected,	31 183
form of notice of election,	31 184
how called if town refuses, &c., to organize; form of call,	49 187
proceedings, town clerk to record,	61 189
TOWN OFFICERS. See TOWN ASSESSOR; TOWN AUDITORS; CHAIRMAN OF TOWN BOARD; TOWN COLLECTOR; TOWN CLERK; POUND MASTER; TOWN OVERSEER OF THE POOR; TOWN SUPERVISOR.	

MINNESOTA STATUTES 1858

GENERAL INDEX.

1055

	Sec.	Page.
TOWN OFFICERS, where voted for,	13	141
term of office begins,	43	146
same, if to vacancy,	44	146
who eligible as,	32	184
oath of; form,	33	184
to file certificate of taking of oath,	34	184
effect of neglect to take oath and file certificate,	35	184
when to qualify in certain cases,	2	178
to be what; when chosen,	14	180
what to be chosen by ballot, what otherwise,	23	183
who qualified to be,	32	184
oath of certain, when to be taken; form of,	33	184
same, certificate of to be filed,	34	184
same, result of neglect to take,	35	184
fine for refusal of certain to serve,	43	186
same,	44	186
fine for acting before taking oath,	45	186
term of office of,	46	186
vacancy or failure to elect, appointment,	47	186
same, form of warrant of appointment,	48	186
refusal by town to elect, proceedings,	49	187
resignation by, how made and accepted; form,	50	187
when county supervisors may appoint,	49	187
compensation of how audited,	69	190
same, rates of, (and next section,)	72	190
same, how may be increased at town meeting,	73	191
compensation of a town charge,	85	192
successors of to demand books,	87	192
same, in case of vacancy,	88	192
books and moneys deliverable to successor on oath; form,	89	192
demand for books if officer deceased,	90	193
when county supervisors to audit accounts of,	98	194
failure to pay over moneys by; felony; penalty,	154	205
how permit railroads to use streets, &c.,	253	321
no fee for administering oath of office to,	46	594
TOWN OVERSEER OF POOR, when chosen,	14	180
to be chosen by ballot,	23	183
oath of, when to be taken; form,	33	184
same, when to file certificate,	34	184
neglect to take and file as above,	35	184
fine for refusing to serve,	43	186
to submit accounts to town auditors,	66	189
compensation of,	72	190
successor to demand books, &c., of,	87	192
same, if vacancy,	88	192
same, books and money deliverable on oath; form,	89	192
same demand, &c., in case of death,	90	193
to account to county supervisors,	110	196
compensation of, how audited and paid,	110	196
<i>See TOWN AUDITORS.</i>		
TOWN PLOTS. <i>See TOWN SITES, trusts, official, relating to.</i>	—	369
laws as to survey; &c., of,	1	369
how to be surveyed and plotted,	2	370
lots how numbered, size of; size stated on map,	3	370
stones how to be set to survey from,	4	370
map how acknowledged and recorded,	4	370
donations to public, corporations, &c., marked on map, how valid as conveyance,	5	370
in unorganized county, where recorded,	6	370
heretofore laid out, to be now recorded as others,	7	370
fees of register and surveyor on,	8	371
penalty for selling lots in, before law complied with,	9	371
same, for neglect of duty as to, by officer,	10	371
same, how recorded and charged,	11	371
district court alter or vacate town,	12	371
application to alter or vacate, notice of,	13	371
same, proceedings of court on,	14	371
TOWN SITES, OFFICIAL TRUSTS RELATIVE TO.		
act as to,	—	385
corporate authorities or judges convey, how,	1	385
persons to whom to convey; mode of conveyance,	2	385
notice of entry of,	3	386
claimants of, file what statement,	4	386
arbitration to decide adverse claims to,	5	386
action for, if no arbitration; proceedings,	5	386
cause how removed from before judge interested,	5	386
pleadings in action for,	5	387
evidence on trial of same,	7	387

MINNESOTA STATUTES 1858

1056

GENERAL INDEX.

	Sec. Page.
TOWN SITES, writ of error, or appeal from; proceedings,	8 387
if case not settled, hearing before judge on,	9 387
appeal from hearing; proceedings,	9 388
party not appearing at hearing his interest barred,	9 388
action by corporate authorities of town on title of,	10 388
same, pleadings,	10 388
same, party not appearing, his interest barred,	10 388
same, appeal to supreme court from,	10 389
statement of expenses as to by town authorities or judges,	11 389
same, how paid,	11 389
town authorities or judges to convey in what payment,	12 389
same, time of conveyance by,	13 389
trusts relative to or old entries, how executed,	14 390
judge having entered, has what title to,	15 390
same, if claimed adversely by another, decision how,	15 390
title of vested in judges or corporate authorities, to determine rights of claimants,	16 390
costs in actions as to how taxed and recovered,	17 390
conveyance of how enforced if refused,	19 390
A. J. Chatfield and M. Sherburne authorized to execute their trusts as to,	20 391
TOWN SUPERVISORS, to furnish auditor township plats, &c.,	31 128
when chosen,	14 180
to be, with assessors, fence viewers,	15 181
to be chosen by ballot,	23 183
when to take oath; form,	33 184
when to file certificate of same,	34 184
same, result of failure to take oath and certify,	35 184
to approve town collector's bond,	37 184
may approve constable's bond,	39 184
to approve justice's bond,	39 184
fine for refusal to serve,	43 186
part of board to fill vacancy in town office,	47 186
chairman of; duties of; bond of; form; suit on,	51 187
chairman to sue for penalties due town,	52 188
chairman to keep accounts; book how provided,	53 188
chairman to present annual account,	54 188
chairman, certificate of same,	55 188
chairman to attend county supervisors' annual meeting,	56 188
chairman to receive and submit accounts against town,	57 188
chairman to submit to board entries as to raising money,	58 188
chairman, penalty for delinquency by,	59 188
chairman sue delinquent overseer of highways,	161 207
to submit accounts to town auditors,	66 189
compensation of,	72 190
duty in suits as to town,	77 191
successor to demand books, &c.,	87 192
same, in case of vacancy,	88 192
same, books and moneys deliverable on oath,	89 192
same, demand in case of death,	90 193
duty in reviewing assessment,	129 200
aid in filling vacant collectorship,	148 203
when extend time of collection,	149 204
when to sue collector's bond,	152 204
duties as to roads and bridges,	156 204
lay out road districts; assign labor,	159 205
account for road labor, fines, &c.,	157 206
estimate for improvements on roads and bridges,	157 206
when appoint overseers of highways; form,	159 207
same, warrant filed,	160 207
meetings of, when, where,	162 207
assess road labor and tax; form,	163 207
how assess same on persons and lands,	164 207
have copies of assessment made,	165 208
duty as to arrears of road tax,	184 211
sue defaulting overseer,	188 211
lay out, alter or discontinue road; petition; form,	189 212
proceedings on petition; to examine road,	191 213
when to cause survey; report; form,	192 213
order as to road; form,	192 213
duty as to damages on road; forms,	194 214
appeal from road decision; form,	195 215
same, contents; proceedings, (and next sections,)	196 215
appeal from refusal of to act as to road,	201 217
to open roads laid out on appeal,	202 217
of different towns, disagreement as to road on line,	206 218
road on town line, if both towns to act on,	207 219
same, road districts how laid out,	208 219

MINNESOTA STATUTES 1858

GENERAL INDEX.

1057

	Sec. Page.
TOWN SUPERVISORS , notice by to remove fences, - - - - -	211 219
same, in case of appeal, - - - - -	212 219
to lay out roads at least four rods wide, - - - - -	214 220
may not alter state roads, - - - - -	215 220
judges of town election, - - - - -	216 220
to assess road tax by rolls of 1858, - - - - -	218 220
additional for town of over eight hundred, - - - - -	222 221
part in deciding that road damages are oppressive, - - - - -	205 218
open county roads when notified by register, - - - - -	8 250
open, &c., roads on county lines, in each county, - - - - -	12 250
TRANSFER OF SHARES. <i>See under names of Corporations.</i>	
of corporations, - - - - -	318 332
when valid; how recorded, - - - - -	296 330
how made; record of transfer on book necessary to, - - - - -	345 335
TRANSFER BOOK , of plankroad or turnpike company, how kept, - - - - -	93 294
accessible for extracts, &c., - - - - -	93 295
to be evidence, - - - - -	93 295
penalty for omitting entry in, - - - - -	93 295
penalty for not keeping, - - - - -	98 295
TREASURER. <i>See COUNTY TREASURER.</i> <i>of date 90/200, 1860</i>	
of board of regents of university, appointment, duties, bond, - - - - -	8 380
of corporation. <i>See under names of Corporations.</i>	
TREASURER OF STATE. <i>See TERRITORIAL TREASURER.</i>	
to pay no claims until audited, - - - - -	44 129
act prescribing election, duties, &c., - - - - -	— 129
election of; salary of, - - - - -	48 129
office to be at state capital, - - - - -	49 129
bond and oath of office, - - - - -	50 130
same, - - - - -	51 130
legislature may require additional security from, - - - - -	52 130
accounts of, what to specify, - - - - -	53 130
how to receive and redeem auditor's warrants, - - - - -	54 130
indorsement by, and interest on, warrants unpaid, - - - - -	55 130
to make quarterly deposit with auditor of warrants paid, - - - - -	56 130
annual report to legislature, - - - - -	57 130
report to governor when required, - - - - -	57 130
to submit books to legislature when required, - - - - -	58 130
to purchase no warrant or account at a discount, - - - - -	59 130
to receive no fee or reward for official duty, - - - - -	59 130
fails to give bond, governor to appoint substitute, - - - - -	60 131
hours of attendance by, - - - - -	61 131
responsible for loss by failure to call delinquents to account, - - - - -	62 131
remedy and punishment for defalcation by, - - - - -	63 131
insolvent, debt to state first paid from estate, - - - - -	64 131
to procure seal of office; device, - - - - -	65 131
payments to, to be gold, silver, or current notes of Minnesota banks, - - - - -	66 131
may have legal advice from attorney-general, - - - - -	77 132
may have forms from same, - - - - -	80 132
public printing of, how contracted for, - - - - -	7 268
be state sealer; duties, - - - - -	2 372
duties as to state loans. <i>See STATE LOAN.</i>	
how pay claims with warrants, - - - - -	13 838
notice of stopping of interest when ready to redeem treasury drafts, - - - - -	14 839
register and cancel same as paid, - - - - -	15 839
TREASURER OF STATE NORMAL BOARD , appointment, bond, - - - - -	34 354
TREASURER OF VILLAGE , how chosen, - - - - -	134 301
pay claims and accounts, on what voucher, - - - - -	147 304
file vouchers, - - - - -	148 304
advertise sale of land for unpaid taxes, - - - - -	166 307
sell lands, give certificate for deed, - - - - -	167 308
deposit papers relative to such sale, - - - - -	168 308
give deed of same when; effect of same, - - - - -	169 308
advertise before giving deed, - - - - -	170 308
official bond of, - - - - -	173 308
duties of, - - - - -	174 309
accounts of, how to be kept, - - - - -	175 309
keep separate accounts of specific funds, - - - - -	176 309
exhibit his accounts when, - - - - -	177 309
compensation of, - - - - -	178 309
TREASURY DRAFTS , blank to be procured, - - - - -	10 838
how printed, - - - - -	11 838
how registered by auditor, - - - - -	12 838
how paid out by treasurer, - - - - -	13 838
interest on, - - - - -	14 838
treasurer's account of redemption and payment; how canceled, - - - - -	15 839
receivable for debts due state, - - - - -	16 839
state credit pledged for payment of, - - - - -	16 839
TREATY OF MENDOTA. <i>See MENDOTA.</i>	

MINNESOTA STATUTES 1858

1058

GENERAL INDEX.

	Sec. Page.
TREPLE DAMAGES, for injuring trees, - - - - -	18 597
forcible eviction, - - - - -	21 597
forcible entry or detainer, - - - - -	22 597
same, - - - - -	11 651
same, in civil action for same, - - - - -	14 652
collusive or deceitful conduct by attorney, - - - - -	8 666
TREES. See FRUIT TREES; SHADE TREES.	
may be set out on public roads; penalty for injuring, - - - - -	33 254
cutting, &c., on school or internal improvement lands, proceedings for penalty; (and next sections), - - - - -	6 363
ornamental, penalty for injuring, - - - - -	3 369
treble damages for cutting down, girdling, &c., on land or in street, &c., of another, same, mitigated when, - - - - -	18 597
penalty for malicious injury to, - - - - -	19 597
on private property, penalty for girdling, &c., - - - - -	43 714
in garden, &c., with intent to take, &c., things growing; penalty, - - - - -	47 715
on town lands; measure of damages, - - - - -	45 715
on cemetery, misdemeanor; penalty, - - - - -	80 191
on school lands. See SCHOOL and UNIVERSITY LANDS.	53 286
TRIAL. See ACTION; HEARING; INDICTMENT; JURY; NEW TRIAL.	
defendant under license law may have by jury, - - - - -	27 342
of case of trespass on school lands, before justice, - - - - -	23 365
by jury on action for town site lands, may be waived, - - - - -	7 387
same, if waived, trial by court on what notice, - - - - -	7 387
before district court, on title of town site land, - - - - -	10 388
by jury, may be had in divorce case; proceedings, - - - - -	13 464
for divorce, proceedings in, - - - - -	14 464
place of. See ACTIONS, where tried.	
for offense, before justice; complaint for; warrant, - - - - -	181 524
same, entry of suit; proceedings; (and following sections,) - - - - -	182 524
same, jury on, (and following sections,) - - - - -	190 524
same, challenge to jury, - - - - -	193 525
same, verdict how given and recorded, - - - - -	196 525
same, judgment if verdict of guilty, - - - - -	197 525
same, discharge if acquittal; costs for malicious complaint, - - - - -	198 525
same, appeal from judgment on, - - - - -	199 526
same, judgment against complainant for costs, - - - - -	200 526
same, judgment how executed, - - - - -	201 526
same, certificate of conviction in, - - - - -	203 526
same, certificate when filed, - - - - -	204 526
same, certificate how evidence, - - - - -	205 526
same, summary, for assault, battery, affray, - - - - -	206 526
same, if conviction, judgment what, - - - - -	211 527
same, if judgment affirmed on appeal, costs how taxed, - - - - -	212 527
same, if continued, verbal notice to witnesses is sufficient, - - - - -	213 527
same, complainant give security for costs, - - - - -	214 527
same, forms in, - - - - -	— 528
term defined, - - - - -	4 557
when cause may be brought on for, - - - - -	10 558
separate to several defendants, allowed when, - - - - -	11 558
motion to postpone, how made, - - - - -	12 558
plaintiff to furnish court with before copy of summons, pleadings, &c., - - - - -	13 558
proceed after jury sworn, in what order, - - - - -	18 559
on return to writ of prohibition, - - - - -	20 634
in forcible entry and detainer. See FORCIBLE ENTRY, &c.,	— 649
in application of insolvent debtor for discharge. See under INSOLVENT DEBTOR.	
for selling, &c., lottery tickets, defendant must prove them genuine, - - - - -	6 729
of accessory to felony before fact, may be where, - - - - -	3 734
same, after fact, when and where, - - - - -	5 734
for wounding or poisoning in one county, when death in another, where, - - - - -	8 734
same, within or without state, and death in, when and where, - - - - -	9 734
for criminal offense, must be at what term of court, - - - - -	33 785
of challenge to jury, proceedings. See CHALLENGE, - - - - -	— 776
of question of fact, decision how given, - - - - -	41 562
TRIAL BY COURT; of question of fact, decision how given,	
TRIAL BY JURY. See JURY; JUSTICE.	
before justice, either party may demand, - - - - -	64 506
same, proceedings, (and next sections,) - - - - -	64 506
same, in criminal case, jury how impaneled, (and next section,) - - - - -	67 507
in civil actions, provisions for, - - - - -	— 558
waived when, - - - - -	40 562
judgment to be entered agreeably to verdict, when, - - - - -	67 565
on issue in application for mandamus, - - - - -	— 633
on return to writ of prohibition, - - - - -	26 634
TRIAL JURY. See JURY.	
TRIAL BY REFEREE. See REFEREE; REFERENCE.	
TRIEES OF CHALLENGE TO JURY, who, how appointed, duties, - - - - -	29 775
sworn how, - - - - -	80 775

	Sec.	Page.
TRIERS OF CHALLENGE TO JURY, court how instruct,	34	775
verdict of, effect of,	35	775
TROUT, act for protection of,	—	850
not to be taken by seine, net, basket or trap,	4	850
fine for taking unlawfully,	5	850
TRUST. <i>See USES AND TRUSTS.</i>		
official, as to town sites. <i>See TOWN SITES, &c.</i>		
active, not divested by provision as to right of possession,	4	382
disposition of lands in, vests no estate in trustees,	5	382
same, not apply to trusts by implication of law, nor express trusts,	6	382
not to result to payor for land granted to another,	7	382
same, presumption of fraud, results for creditors how far,	8	382
same, where no presumption of fraud or resulting trust,	9	382
implied or resulting, not to prejudice purchaser without notice,	10	382
express, may be created for what purposes,	11	382
to receive rents and profits; when surplus liable to creditors,	13	383
express, when to be valid as power in trust,	14	383
when valid as a power, how land in trust to descend,	15	383
express, trustees of take what estate,	16	383
same, performance of may be enforced how,	16	383
same, creator may direct property in lands after termination of,	17	383
same, what estate of grantee in,	17	383
same, what interest remains in grantor,	18	383
for receipt of rents and profits, beneficial, interest in cannot be disposed of,	19	383
for payment of gross sum, interest in assignable,	19	383
express, effect of omitting to convey to trustees,	20	383
sales in contravention of, when void,	21	384
express, when estate of trustees ceases,	23	384
execution of on death of surviving trustee,	24	384
express, resignation of trustee,	25	384
powers in. <i>See POWERS IN TRUST.</i>		
arising by implication of law, not within statute as to execution of conveyances,	7	457
grant of, must be in writing,	2	459
TRUST PROPERTY. <i>See TRUSTEE.</i>		
where assessed,	125	198
same, and when held jointly,	9	231
to be assessed at full value,	18	232
TRUSTEE. <i>See TRUST.</i>		
personal estate held by, where assessed,	125	198
same, and same by joint trustees,	9	231
so described in assessment roll,	18	232
property so held assessed at full value,	18	232
of religious societies; elected, number of,	15	279
same. <i>See CLERK OF CHURCH TRUSTEES.</i>		
notice of election,	17	279
election; certificate how made,	16	279
certificate acknowledged and recorded,	19	280
to be body corporate,	19	280
seal of; powers of, (and following sections,)	20	280
officers of appointed; their fees,	24	280
meetings of, how called,	25	280
classified as to official term,	26	280
not fix minister's salary,	31	280
for purpose of holding property for society; how hold the same,	35	282
appointed in certain cases,	36	282
minister, deacon, &c., when to be; powers,	37	282
of Protestant Episcopal church who,	38	283
of cemetery association how chosen,	40	284
same, classified as to office,	41	284
same, powers, officers,	45	284
same, sell and convey lots, how,	47	285
same election for term of office,	48	285
same, to be proprietors of lots; vacancies how filled,	49	285
same, special election for,	50	285
same, annual report,	51	285
not individually liable on stock held as,	280	327
may vote on such stock,	281	327
certain devises of land to, vest no estate,	12	383
when take no estate by express trust,	14	383
of express trusts, take what estate,	16	383
misconduct of not to affect payors to, or title from,	17	383
of express trusts, when estate ceases,	23	384
surviving trust how executed on death of,	24	384
of express trust, how discharged on resignation,	25	384
same, how removed for delinquency, &c.,	26	384
resigned or removed, substitute how appointed,	27	384
of power. <i>See POWER, TRUSTEE OF.</i>		

MINNESOTA STATUTES 1858

1060

GENERAL INDEX.

	Sec. Page.
TRUSTEE to receive and manage property of divorced wife, appointment, &c.,	22 465
set-off in suit by before justice,	45 504
of express trust, who, within law as to parties to actions,	29 535
TRUSTEES OF INSTITUTIONS OF LEARNING, number of; term of office,	221 316
powers of,	223 316
may require bonds for officers,	223 317
make annual report; contents,	226 317
liable for debts of institution, how,	227 317
process on institution, how served on,	228 317
TRUSTEES OF SCHOOL DISTRICT, how chosen; term of office,	64 358
assess district taxes,	66 359
approve bond of clerk of district,	66 359
call special meetings how,	67 359
duties of,	70 360
account to their successors,	71 360
pay over balance of moneys to successors; penalty for failure,	72 360
sue clerk of district for failing to pay over money,	73 360
call meeting to lay tax in aid of school money; assess same,	74 360
of more than one district, may establish grammar school,	76 361
draw school money from county treasury how,	79 361
county treasurers to honor drafts of to what amount,	80 361
duty in discovering and punishing trespasses on school, &c., lands,	3 363
TRUSTEES OF VILLAGE, members of board of health,	1 272
duties thereon. <i>See</i> BOARD OF HEALTH.	
preside at village elections,	130 300
number; term of office,	133 301
with president, form board; elect officers,	134 301
take oath of office,	135 301
order special meetings; notice,	136 301
vacancy in board, filled how,	137 301
powers of,	138 302
impose and remit fines,	139 303
audit claims and accounts against village,	141 303
same, accounts how to be made out; affidavit and oath to,	142 304
disallow claim, &c.,	143 304
draw warrants on treasurer how,	145 304
what accounts not to allow,	146 304
duties on street openings and improvements, (and next sections),	150 304
assess general tax,	157 306
hear appeals on and complete same,	158 306
issue warrant for collecting same,	159 306
publish annual financial statement,	186 310
call meeting on dissolution of village,	188 310
preside at same,	189 311
of village, call meeting to dispose of village property,	189 311
publish notice of laws adopted as to village,	193 311
approve marshal's bond,	161 307
approve treasurer's bond,	173 309
TRUTH; may be given in evidence on indictment for libel,	6 734
TURNPIKE COMPANY. <i>See</i> PLANK ROAD AND TURNPIKE COMPANIES.	
or other company receiving toll, franchises, &c., to be sold on judgment against,	349 339
TURNPIKE GATE. <i>See</i> TOLL-GATE.	
TURNPIKE ROAD. <i>See</i> PLANK ROAD AND TURNPIKE COMPANIES.	
width, materials, &c., of,	85 293
TYPOGRAPHICAL ERRORS; when disregarded,	2 113
UNCLAIMED PROPERTY; act as to,	— 265
when may be sold,	50 265
notice to owner,	51 265
if owner does not appear, proceedings,	52 265
justice examine and inventory; order sale,	53 266
constable notify sale, and sell,	54 266
constable return by to justice,	55 266
justice pay charges of sale; pay balance to county treasurer,	56 266
justice deliver statement at same time,	56 266
county treasurer to record receipt,	57 266
when owner may recover amount sold for,	58 266
receipts belong to county after five years,	59 266
perishable, how sold,	60 266
justice's and constable's fees on sale,	61 266
UNDERTAKING; by plaintiff, on order for arrest of defendant,	102 545
by bail, contents of,	107 546
same, copy of delivered on surrender by bail,	108 546
on delivery of personal property in action for same,	133 549
same, proceedings if objection to sureties on,	134 549
by defendant retaining same, in same,	135 549
same, when and how sureties on must justify,	136 549
to indemnify sheriff in same action, if third party demands property,	140 550

MINNESOTA STATUTES 1858

GENERAL INDEX.

1061

	Sec. Page.
UNDERTAKING; by plaintiff, on issue of warrant of attachment,	145 551
by claimant of property attached, on receipt of same,	152 552
same, action on, what defense to,	153 552
by plaintiff prosecuting action brought by sheriff as to personal property,	157 552
by defendant, on discharge of attachment,	159 553
of judgment debtor intending to leave the State,	124 575
contents of on appeal,	12 622
same, if from judgment to pay money,	13 622
same, if from judgment to assign or deliver documents or property,	14 622
same, if from judgment to sell or deliver possession of real property,	15 622
on enforcing judgment notwithstanding appeal,	18 623
on appeals, may be in one indictment or several,	19 623
same, service of copy on opposite party,	19 623
same, affidavit and justification of sureties on,	20 623
when to be filed with clerk,	30 628
on claim and delivery of personal property, when delivered to parties,	30 628
UNIFORM; regulations as to,	— 806
UNIFORM COMPANIES. See VOLUNTEER MILITIA.	
UNITED STATES; officer of not to be governor,	11 126
same, not to be presidential elector,	58 148
property of exempt from taxation,	4 229
officer may search for liquor in Sioux purchase,	8 339
same, may destroy such liquor,	9 340
same, may break up distillery in same,	11 340
witness for, when paid his expenses,	48 594
same, receive certificate for fees from clerk,	51 594
pay how for support of prisoners,	23 891
abstract of naturalization laws of,	— 867
laws of as to authentication of documents,	— 870
laws of as to rendition of fugitives from labor, &c.,	— 871
UNITED STATES COURT; calendar how made out and presented before term of,	24 791
UNITED STATES LAND. See PRE-EMPTION.	
actions by persons having claims on,	— 654
action for possession of, &c., by settlers on,	1 654
same, possessory right of plaintiff extends over his claim, when,	2 654
same, such claim how must be marked out,	8 654
same, what neglect to occupy claim destroy right of action,	4 654
UNITED STATES MAIL; ferries always to carry,	202 313
UNITED STATES ROAD; how road commissioners may alter,	30 254
UNITED STATES SENATOR; act as to election of, <i>57, 1860</i>	— 147
joint convention of legislature to meet to elect,	52 147
same, proceedings of,	53 147
mode of voting for; certificate of election,	54 147
governor to notify the elected,	55 148
elected to accept or refuse in writing,	55 148
vacancy; new election for,	55 148
same, when governor to appoint,	55 148
See MEMBER OF CONGRESS.	
UNIVERSITY OF MINNESOTA. See SCHOOL AND UNIVERSITY LANDS.	
act establishing,	— 350
to be established,	1 350
proceeds of lands given by U. S. for, to be fund for,	2 350
no sectarian instruction in,	2 350
objects of,	3 350
board of regents to govern; legislature elect them,	4 350
same, mode of election of,	5 350
same, vacancy in, how filled,	6 350
same, corporate name of,	7 350
same, appoint secretary, treasurer and librarian; their duties,	8 350
same, their powers,	9 351
departments; government of them,	10 351
regents fix course of study and text-books,	10 354
same, confer degrees, and grant diplomas,	10 351
same, may remove any officer,	11 351
same, fix charges for tuition; when to be free,	12 351
location of; regents to build,	13 351
regents, when establish preparatory department,	14 351
same, control funds and lands,	15 351
same, make annual report,	16 351
same, meetings of, how called,	17 351
same, may establish branches,	18 352
religious tenets not required at entrance,	19 352
same, not required as qualifications of instructor or officer,	19 352
regents may issue bonds for loan,	21 352
same,	26 350
same, mortgage lands to secure bonds,	22 352
same,	27 352

MINNESOTA STATUTES 1858

1062

GENERAL INDEX.

	Sec. Page.
UNIVERSITY OF MINNESOTA, negotiate bonds, how,	23 352
same,	28 353
purposes for which proceeds of certain bonds to be used,	24 352
UNLAWFUL ASSEMBLY. <i>See</i> RIOTOUS ASSEMBLY.	
UNORGANIZED COUNTIES. <i>See</i> COUNTIES, UNORGANIZED.	
UNPAID TAXES. <i>See</i> TAXES, DELINQUENT; TAX SALE.	
UNREDEEMED LANDS. <i>See</i> under TAX SALE.	
USES AND TRUSTS, laws as to,	— 382
abolished, except as provided,	1 382
executed, uses made legal estates,	2 382
right to possession of lands made legal ownership,	3 382
same, active trusts not affected by provision for,	4 382
trustees for use of another take no estate,	5 382
same, exception as to express trust and those created by law,	6 382
if grant to one and payment by another, no use or trust for latter,	7 382
same, presumption of fraud against,	8 382
same, when trust in power of creditors,	8 382
same, when fraud not presumed,	9 382
implied or resulting, not to prejudice purchaser,	10 382
express trusts may be created how,	11 382
USURPATION OF OFFICE OR FRANCHISE, proceedings in actions as to,	— 618
action for, when and how brought,	5 618
same, when defendant arrested on,	8 619
<i>And see</i> under ACTION.	
VACANCY, official, in Waseca County, filled,	163 97
in offices in gift of legislature, governor to fill,	7 126
in legislature, special election for,	35 144
same,	37 145
in office of sheriff, how filled,	35 144
in office of delegate to congress, how filled,	35 145
returns of elections to fill, how made,	40 145
in county, town or precinct office, term begins when,	44 146
in U. S. senatorship; proceedings,	55 148
in board of presidential electors; proceedings,	64 149
same,	65 149
in office of county treasurer, how filled,	37 159
in office of register of deeds, sheriff to notify,	53 162
in office of sheriff, notice; appointment,	54 162
in office of county surveyor, how filled,	90 168
in town offices, proceedings,	47 186
same, form of warrant of appointment,	47 186
in board to fill vacant town office, board may fill,	48 186
in town office; demand of books, &c.,	88 192
same, delivery on oath of same,	89 192
town collectorship, filled,	148 203
same, extension of warrant,	149 203
oversership of highways, filled; form,	159 207
justice of the peace; books, docket, &c., how deposited,	230 222
what shall create,	2 247
death, resignation, removal, conviction of crime,	2 247
neglect as to official oath or bond,	2 247
governor to declare, on judgment for breach of bond,	3 247
when governor to fill,	6 247
when county commissioners to fill;	7 247
appointees to, to qualify, &c.,	8 248
board of church trustees, notified; election notified,	27 281
in vestry of Episcopal church proceedings,	38 283
in rectorate of same,	38 283
in cemetery trustees, how filled,	49 286
directors of road companies, filled,	64 288
same, presidency of,	67 289
village president, trustee, assessor, how filled,	137 301
directorship of manufacturing or mining company, how filled,	273 325
board of regents of university, governor to fill,	6 350
directors of state deaf and dumb asylum, how filled,	52 356
district judgeship, how notified and filled,	6 478
same, not to cause process, &c., to abate,	9 479
justice of the peace, who notify election to fill,	165 520
same, person elected qualify forthwith,	166 520
same, disposal of books and papers of,	170 521
warden of state prison, deputy fill,	67 795
VACATION. <i>See</i> under DISTRICT COURT; SUPREME COURT.	
VALUATION FOR TAXES, county commissioners to make,	25 233
VARIANCE, between proof and pleadings, in justice suit, immaterial,	35 502
in pleadings generally, when material,	90 543
if not material, proceedings,	91 544
what not to be, but failure of proof,	92 544

MINNESOTA STATUTES 1858

GENERAL INDEX.

1063

	Sec.	Page.
VARIANCE, if acquittal on, second indictment allowed,	5	701
what not to be in indictment for forgery,	12	718
same, in indictment for embezzling, (and next section,)	10	784
acquittal for, not bar another prosecution,	8	767
VENDUE. <i>See</i> AUCTION.		
VENIRE, in justice suit for trespass on school lands, form,	22	365
special, when district judge may rule,	18	480
VENIRE, from justice, form,	178	523
same, in criminal case, officer's duty on,	190	525
for grand jury, contents: summons in, (and next section,)	7	750
VENUE, CHANGE OF, in suit for trespass on school, &c., lands, before justice, &c.,	17	365
laws as to apply to actions for town site lands,	5	386
on application of defendants, when,	43	536
act allowing in certain cases,	—	537
application for set forth what; affidavit accompanying,	44	537
when granted; to be but one,	45	537
by mutual consent of parties in civil actions,	46	537
in criminal cases, provisions as to,	—	769
same, when directed,	1	768
same, how trial conducted,	2	768
same, when ordered, recognizance to appear,	3	768
same, when allowed, witness for United States recognized to appear,	4	768
same, attorney for United States may ask for,	5	768
VERDICT. <i>See</i> JURY.		
of coroner's jury,	106	170
of justice's jury in trespass on school, &c., lands,	24	365
in criminal case before justice, how delivered,	196	525
jury to be kept together until they agree on; exception,	27	560
if jury discharged without giving, trial repeated how,	28	560
court may adjourn until agreed on,	29	560
when agreed on, jury brought into court,	30	560
how rendered,	31	560
jury how polled on rendering of,	32	560
if informal or insufficient, proceedings,	33	560
when proper, how recorded and read to jury,	33	561
general provisions as to,	—	561
either general or special; defined,	34	561
same, when to be rendered,	35	561
general, controlled by special finding,	36	561
for recovery of money, when amount assessed in,	37	561
for recovery of personal property, assess value of property and damages,	38	561
on reception of, what entry in minutes of court,	39	561
same, when stay of entry of judgment,	39	561
for what may be vacated, and new trial had,	59	564
in forcible entry and detainer, form,	24	563
of jury, on insolvent's application, how recorded,	13	656
of partial acquittal, may be received; proceedings,	43	776
of acquittal for insanity, state fact; proceedings on,	45	776
in criminal case, may be rendered against guilty ones only, of several defendants,	22	784
same, jury may be polled on rendering,	23	784
same, how recorded; jury inquired of if theirs; proceedings if disagreement,	24	784
state fact if acquittal for insanity,	25	784
state fact if acquittal for insanity,	77	542
VERIFICATION OF PLEADINGS, how made,		
VESSEL, salvage on. <i>See</i> SALVAGE.		
VESSELS, BOATS, &c., proceedings to collect demands against,	—	647
for what demands liable,	1	647
proceedings may be against, instead of owner, master, &c.,	2	647
same, how instituted,	3	647
same, complaint, contents of; how verified,	4	647
same, warrant to seize vessel, &c.,	5	648
same, proceedings on return of warrant,	6	648
same, owner, &c., may appear for vessel,	7	648
same, judgment if no owner in twenty days,	8	648
same, how vessel, &c., discharged on giving bond,	9	648
sold on judgment, how,	10	648
execution how issue, if bond given,	11	648
justices when have jurisdiction of proceedings,	12	648
same, proceedings before,	13	648
same, warrants from how returnable,	14	648
same, take summary proceedings,	14	648
warrants as to, how served and return,	15	648
if order of sale, when part may be sold,	16	648
continuance as to, when granted to master, &c.,	17	649
same, not to be granted to plaintiff,	18	649
fees of officers in proceedings as to,	19	649
master, &c., may appeal from judgment against vessel,	20	649
actions against must be commenced when,	21	649

MINNESOTA STATUTES 1858

1064

GENERAL INDEX.

	Sec. Page.
VESELS, BOATS, &c., owner causing death by overloading, guilty of manslaughter in third degree,	17 704
fraudulent wrecking, lading, &c. See STEAMBOAT, VESSEL, &c.	
offense committed on board of, may be found, tried, &c., where,	25 761
VESTED future estates, what,	13 378
VESTRYMEN, Episcopal; election; duties; term of office,	38 283
VILLAGES. See CORPORATIONS.	
property exempt from taxation,	4 230
bridge, turnpike, rail or plank road in, where assessed,	7 230
taxes for government, exempt from act of Jan. 28, 1858,	57 237
president and trustees in board of health,	1 272
same, duties thereon. See BOARD OF HEALTH.	
laws relative to,	298
incorporation of, territory and population requisite to,	116 298
same, survey and map to be made for,	117 298
same, census for,	118 299
same, survey and census where deposited,	119 299
same, notice of application for; contents,	120 299
same, notice how published,	121 299
same, application for how made,	122 299
same, order of court for,	123 299
same, notice of elector's meeting to decide,	124 300
same, meeting how held,	124 300
same, publication of notice of election,	128 300
same, who judges at election; proceedings,	126 300
same, who may vote on,	127 300
same, majority to decide,	128 300
same, statement of judges of election,	128 300
election judges notify election for officers of,	128 300
election meetings, where and how held,	129 300
same, judges of, laws applicable to,	130 300
same, canvass of votes; certificate of result,	131 301
voters and officers of qualifications,	132 301
majority to elect officers,	132 301
officers who; when elected; term of office,	133 301
board of trustees, who to be; elect officers,	134 301
oaths of officers,	135 301
special meetings, how notified,	136 301
vacancies in offices, how filled,	137 301
board of trustees, powers of,	138 302
same, impose and remit fines,	139 303
proof of publication, &c., of notices, laws, &c.,	140 303
claims and accounts against, trustees audit,	141 303
same, how made out and sworn to,	142 304
same, how may be disallowed, &c.,	143 304
same, how numbered and entered,	144 304
same, warrants for payment of, how drawn,	145 304
same, what not to be allowed,	146 304
same, how to be paid,	147 304
same, and papers, filed on payment,	148 304
not to borrow money; limitation of debt,	149 304
street improvements how applied for and tax levied,	150 304
sidewalks, applied for and tax levied,	151 305
street improvements, taxes, how levied and paid,	152 305
same, tax list how returned,	153 305
same, unpaid taxes how collected,	154 305
street opening or altering, assessment of damages,	155 305
same, damages how collected; unpaid assessments,	156 306
general tax how assessed; payment of assessors,	157 306
same, notice of completion of assessment roll,	158 306
same, trustees alter and complete assessment roll,	158 306
same, trustees issue warrant to levy,	159 306
same, warrant of collection, &c., contents,	160 306
same, marshal's bond before collecting,	161 307
same, marshal's compensation for collecting,	162 307
same, marshal's notice to pay,	163 307
same, marshal when collect by distress and sale,	164 307
same, marshal pay over and return warrant,	165 307
same, advertisement of land to be sold for,	166 307
same, sale of land for; treasurer's certificate,	167 307
same, papers as to such sale how filed,	168 308
same, statement of sale, how made and recorded,	168 308
same, land sold for when and how deeded,	169 308
same, land sold for, advertised before conveyed,	170 308
same, land sold for, fees on advertisement and sale,	171 308
same, land sold for, taxes paid by buyer refunded,	172 308
treasurer, bond of,	173 308
same, duties of,	174 309

	Sec.	Page.
VILLAGES, treasurer, accounts of,	175	309
same, accounts of specific funds,	176	309
same, accounts of, when to be exhibited,	177	309
same, compensation,	178	309
clerk, duties,	179	309
same, what to record,	180	309
same, other duties; compensation,	181	310
marshal, duties and privileges,	182	310
fire wardens, duties,	183	310
street commissioners and duties and compensation,	184	310
subject to highway taxes, and to be made into road districts,	185	310
annual statement of claims allowed,	186	310
general laws, what applicable to,	187	310
application to dissolve,	188	310
same, vote on; disposition of property if dissolved,	189	311
dissolved, disposition of records, papers, &c.,	190	311
same, tax may be raised to pay debts, &c.,	191	311
laws on, how adopted by villages already incorporated,	192	311
same, publication of laws adopted,	193	311
pay for buildings pulled down at fire,	198	302
trustees determine compensation of officers,	198	303
taxes of, amount how fixed,	198	303
public shows and exhibitions, how licensed in,	3	346
name of, district court may change,	34	482
same, proceedings to change,	36	482
same, notification of change,	37	482
same, record made of,	38	482
same, cost of proceeding how paid,	39	481
VISITATION of plank road or turnpike company,	114	298
of corporations, jurisdiction of district court not to interfere with,	4	607
VOLUNTEER MILITIA. See MILITIA.		
to be active militia; organization of,	10	801
companies how numbered and recorded; order of seniority,	11	802
how organized into battalions and regiments,	12	802
returns of officers; contents and time of making,	13	803
same, abstract of to be sent to Washington,	13	804
term of service; certificate of same; exemptions of holders thereof,	14	804
companies of, constitution and by-laws; how collect fines,	15	805
commissions in, term of; vacated by what removal or absence,	16	805
uniform of,	17	806
when major-general to organize,	18	806
uniform to be complete; arms, &c., exempt from process,	19	806
fines how assessed and collected by,	21	807
fine for refusal by officer to assist civil authority with troops,	27	811
pay of while assisting civil authority,	29	812
annual brigade muster and encampment,	31	812
commandant of division to review during same,	32	813
officers of to constitute brigade-court,	33	813
companies to be furnished how with camp equipage, colors, musical instruments,	36	814
officers of, number and appointments,	43	816
former laws as to repealed,	65	824
VOTE. See BALLOT; CANVASS; CHALLENGE; CLERK OF ELECTIONS; ELECTIONS; POLL- BOOKS; QUALIFICATIONS; VOTERS.		
at general elections, to be by ballot,	11	140
proceedings on challenge of,	14	141
same,	15	141
by partially qualified elector, to be open,	18	141
for U. S. Senator, to be <i>viva voce</i> ,	54	147
at town meeting, how challenged,	20	182
" " double, proceedings,	29	188
on consolidation of railroad company, how taken,	263	324
on aid by one railroad company to another,	266	324
on enlarging capital of manufacturing, &c., company,	286	327
on giving licenses to sell liquor, by town,	28	342
VOTER. See BALLOT, &c., as under VOTE.		
at town meeting, qualifications of,	21	182
first church election, same,	16	279
other church elections, same,	29	281
incorporation of village, same,	127	300
village election, same,	132	300
school district, same,	63	358
WABASHA COUNTY; created,	1	75
boundaries of, by revised statutes,	7	76
organized only as to justices, constables, &c.,	18	77
attached to Washington county for judicial purposes,	18	77
justices and constables in, number, appointment, term of office,	19	77
boundaries of, act of March 5, 1853,	29	78

MINNESOTA STATUTES 1858

1066

GENERAL INDEX:

	Sec. Page.
WABASHA COUNTY; Blue Earth county partly set off from, same time,	34 79
Goodhue county attached to for judicial purposes,	38 79
an organized county,	40 80
governor to appoint justices, constables, and officers of,	40 80
bounded, February 23, 1854,	48 81
area of, by act of February 20, 1855,	83 87
WADENA COUNTY; created, bounded, June 11, 1858,	246 109
Wadena to be county seat of,	246 109
governor to appoint commissioners; duties,	247 109
WAGES, of clerks, laborers, or mechanics, no exemption from execution, &c., for, under home- stead exemption law,	100 571
WARD. <i>See under</i> GUARDIAN.	
WARDEN OF STATE PRISON. <i>See</i> STATE PRISON.	
appointment and term of office,	43 793
appoint what officers,	44 793
accounts of how settled,	47 793
charges against how investigated,	48 793
keep journal of prison proceedings,	53 794
have no interest in shops, &c.,	54 794
salary of,	55 794
bond of,	58 794
duties of,	59 794
business of prison to be in name of,	60 794
contract for provisions,	61 794
purchase medicines, clothing, &c.,	63 795
keep accounts of moneys; quarterly statement,	64 795
annual report of,	65 795
annual report of pardons,	66 795
vacancy in office of, how filled,	67 795
keep copies of documents, books, &c.,	69 795
employ no convict labor,	70 795
furnish Bible to each convict able to read,	73 795
take charge of property of convicts,	74 795
furnish convict suit of clothes at discharge,	75 795
copy of sentence to and receipt by, at entry of convict,	78 796
duty of if prisoners escape; to pay reward if by his own negligence,	79 796
exempt from military and jury duty,	85 796
distribute annual report,	86 796
accounts how settled at leaving office,	87 796
with inspectors, lease shops,	88 796
duty as to income of shops,	89 796
duty as to hiring out convicts; their price,	90 796
has use of dwelling-house free,	91 797
late, F. R. Delano, investigation as to,	92 797
WAREHOUSE-KEEPER, record description of consignments or deposits,	48 265
notify owner by letter,	49 265
WARRANT. <i>See</i> BENCH WARRANT; SEARCH WARRANT; TAX WARRANT.	
on state treasury, to be issued by auditor,	22 127
how printed, counterparts kept,	23 127
when must be for small sums,	24 127
credit of state pledged for redemption of,	25 127
to be registered by auditor,	26 127
treasurer to receive,	54 130
when no funds to meet; endorsed; interest on,	55 130
received in payment or redeemed, deposited with auditor,	56 130
not to be purchased at discount by treasurer,	59 130
coroner's to constable; form,	100 169
coroner's for criminal, where returnable,	108 171
of appointment to vacant town offices; form,	47 186
of county auditor, necessary for payments, &c.,	103 195
of town collector; form,	139 201
of same, when extension in case of vacancy,	149 203
for removal of nuisance,	8 273
to collect general tax of village, how made and signed,	160 306
same, how renewable,	160 307
of distress; when issued against corporation,	357 337
same, to be of same force as execution,	357 337
in trespass on school, &c., lands, form,	14 364
same, service of,	15 364
same, indorsement on,	16 364
justice's, when issue,	13 499
same, contents of,	14 499
same, how served,	15 499
from justice, for contempt, form of,	155 519
same, set forth what,	157 519
same, form,	178 522

MINNESOTA STATUTES 1858

GENERAL INDEX.

1067

	Sec. Page.
WARRANT, in criminal case, justice when issue, - - - - -	181 524
justice issue to prevent assault, affray, &c., - - - - -	267 527
form of justice's, in criminal case, - - - - -	218 528
of attachment. <i>See</i> ATTACHMENT, - - - - -	— 550
of arrest for garnishee not appearing, contents, - - - - -	5 660
of arrest, for contempt, how executed, - - - - -	7 664
same, bail on, - - - - -	8 664
same, return on; if not returned, warrant not bailable against officer, - - - - -	9 664
how such warrant not bailable executed, - - - - -	10 664
arrest without. <i>See under</i> ARREST.	
WASECA COUNTY, set off from Steele county, February 27, 1857, - - - - -	159 96
organized; officers and county seat how chosen, - - - - -	160 97
governor to appoint commissioners for election, - - - - -	161 97
governor to appoint sheriff, register, justices, - - - - -	162 97
commissioners to appoint to vacant offices, - - - - -	163 97
attached to Steele county for judicial and representative purposes, - - - - -	163 97
WASHINGTON COUNTY, created, - - - - -	1 75
boundaries of, by revised statutes, - - - - -	2 75
election returns and certificates of Chisago county in, - - - - -	4 76
declared an organized county, - - - - -	12 76
seat of justice in, Stillwater, - - - - -	15 77
Wabasha county attached to for judicial purposes, - - - - -	18 77
WASTE, tenant in dower must not commit; liable for, - - - - -	22 409
how stayed on property subject to redemption, - - - - -	119 574
same, - - - - -	23 646
action for may be brought against who, - - - - -	16 597
same, judgment may be what, - - - - -	16 597
same, when judgment of forfeiture and eviction in, - - - - -	17 597
WATAB COUNTY, seat of Benton county, - - - - -	118 91
same, - - - - -	120 92
WAY. <i>See</i> RIGHT OF WAY.	
WEIGHTS AND MEASURES, laws as to, - - - - -	— 372
standards of, &c.; treasurer to keep, - - - - -	1 372
treasurer of state to be sealer; seal; duties, - - - - -	2 372
county commissioners procure standard set of, for county, - - - - -	3 372
county treasurer sealer for county; seal; duties, - - - - -	4 372
standards how and when proved, - - - - -	5 372
standard, clerk to procure for county if commissioners do not, - - - - -	6 372
fees of county treasurer for sealing, - - - - -	7 373
penalty for neglect of duty by sealer, - - - - -	8 373
standard hundred weight, - - - - -	10 373
standard weight of bushels of sundry articles, - - - - -	11 373
half-bushel the standard of heaped measure, - - - - -	12 373
WHARF-KEEPER, record description of consignments or deposits, - - - - -	48 265
notify owner by letter, - - - - -	49 265
WIDOW. <i>See</i> ESTATE IN DOWER.	
continue to occupy without assignment of dower, when, - - - - -	12 408
continue in husband's dwelling house, one year after his death, - - - - -	23 409
how inherit intestate estate, - - - - -	1 411
title of in dower not affected by chapter on title by descent, - - - - -	11 413
entitled to what support from testator's estate, - - - - -	30 429
allowed what from personal estate of intestate, - - - - -	1 433
when may have letters of administration, - - - - -	3 434
WIFE. <i>See</i> DIVORCE; HUSBAND; HUSBAND AND WIFE; MARRIAGE; MARRIED WOMAN.	
real estate of conveyed by joint deed with husband, - - - - -	2 397
not bound by covenant in such deed, - - - - -	2 397
how acknowledge joint power or letter of attorney, - - - - -	44 402
may sue for divorce, or avoidance of marriage contract how, - - - - -	15 464
proceedings by in divorce suit, husband may be compelled to pay for, - - - - -	16 464
liberty of, husband may be prohibited from restraining during same, - - - - -	16 465
entitled to her real estate on divorce for what cause, - - - - -	20 465
personal estate how restored to on divorce, - - - - -	21 465
trustees to receive estate paid over to on divorce, - - - - -	22 465
further alimony may be ordered for on divorce, - - - - -	23 465
entitled to dower on dissolution of marriage, when, - - - - -	24 466
same, further allowance to when, - - - - -	25 466
order for alimony to may be allowed, &c., how, - - - - -	26 466
court allow alimony, regulate division of estate, &c., for, - - - - -	27 466
divorced, court may change name of, - - - - -	31 466
if mother, may sue or defend actions if father has deserted family, - - - - -	35 535
property of before marriage, continue so, - - - - -	106 571
same, not liable for husband's debts, - - - - -	106 571
same, she when not to sell, &c., without husband's consent, - - - - -	106 571
same, she when not to remove in case of divorce, - - - - -	106 571
same, jurisdiction of suits as to, in what courts, - - - - -	107 572
husband how far liable for debts of, - - - - -	106 572
not to testify against husband, nor he against her, without his or her consent, - - - - -	53 681

MINNESOTA STATUTES 1858

1068

GENERAL INDEX.

		Sec. Page.
WILL. See TESTATOR.		
term includes codicils,	2	114
how may dispose of accumulated rents and profits of land,	37	380
made in execution of power not a conveyance,	41	394
in execution of power of disposition, must be what,	42	395
power to dispose by grant cannot be executed by,	43	395
conveying all real estate of testator, when convey lands embraced in power to devise,	53	395
provision for widow in widow elect to take instead of dower,	18	409
same, when she deemed to have elected,	19	409
provisions as to,	—	425
who may make; estate not given by, descends how,	1	425
devise of land in, conveys what estate,	2	425
estate in land acquired after making, descends how,	3	425
who may bequeath personal estate by,	4	426
how must be executed,	5	426
nuncupative, when valid,	6	426
same, how proved,	7	426
same, soldier or sailor, when may make,	7	426
legacy to witness of, when void,	8	426
same, when valid,	9	426
how revoked,	10	426
how deposited with judge of probate,	11	427
judge of probate how preserve and open same,	12	427
same, notify executor, &c., of possession of,	13	427
persons having custody of, to deliver to probate court,	14	427
executor when to present to probate court,	15	427
same, when signify acceptance under,	15	427
penalty for neglect of duty as to by executor or person having custody of,	16	427
imprisonment of person having custody of, for not delivering,	17	427
probate court to notify of time and place of proving, how,	18	427
probate of uncontested, granted when,	19	428
witnesses if those subscribing, non-resident,	20	428
not to be effectual when proved and allowed,	21	428
proved and allowed in other states and countries, how admitted,	22	428
same, notice of hearing on,	23	428
same, if allowed, copy how filed and recorded,	24	428
same, letters testamentary or of administration on,	25	428
provision for children born after making,	26	428
provision for children omitted in by mistake,	27	428
same, from what estate to be taken,	28	429
rights under of issue of devisee, &c., dying before testator,	29	429
provision by for debts, and administration and family expenses, to be followed,	31	429
same, if insufficient, how to be paid,	32	429
estate given by, liable for what charges; exception,	33	429
same, liable for certain charges, executor retain how,	34	429
heirs, devisees and legatees hold under, liable to contribution how,	35	430
same, how liable to contribution under to make up loss by insolvency of one of them,	36	430
same, probate court fix liabilities of,	37	430
how to be evidence,	38	430
attested copy of to be recorded in county where it devises lands,	39	430
"executor," in chapters as to, includes administrator with will annexed,	40	430
when letters testamentary to issue on,	1	431
powers and duties of executor. <i>See under EXECUTOR.</i>		
not subject to statute as to execution of conveyance of real estate,	7	457
appointment of guardian for minor by,	10	468
provision for child born after making of,	32	614
provisions as to witness to, entitled under,	33	614
WINONA COUNTY, created and bounded, act of February 23, 1854,	47	81
special election for county officers in,	50	81
county-seat of; village of Winona,	52	82
district court, one term of annually in,	59	88
WITNESS. See COMMISSION TO TAKE DEPOSITION; DEPOSITION; EVIDENCE; PERJURY; SUBPOENA; TESTIMONY.		
inhabitants of county may be, in suit by or against it,	257	110
before legislature, penalty for refusing to testify,	2	120
notary may compel to attend and give deposition,	97	134
when judge of probate may hear,	80	166
coroner's; subpoenas for; fees of; penalty of,	103	170
same, oath of, form,	104	170
same, testimony to be in writing,	105	170
same, when to be bound over to appear,	107	170
same, re. using to recognize, to be committed,	107	171
inhabitants of town may be, in suit as to it,	52	188
same,	78	191
county supervisors may issue process for on road appeal,	199	216
on road land appraisal, commissioners' powers as to,	78	291
same, judge or justice may subpoena,	79	291

	Sec. Page.
WITNESS, mother of bastard to be, in district court, - - - - -	6 344
same, - - - - -	12 345
in trespass on school, &c., lands; subpoena for, - - - - -	18 365
same, service of, - - - - -	19 365
same, failing to appear, attachment and fine, - - - - -	34 367
same, fees of, - - - - -	34 367
in hearing as to town site lands, subpoena for, - - - - -	9 388
same, contempt by; attachment for fees of, - - - - -	9 388
to deed, prove same if grantor dead before acknowledging, - - - - -	14 399
same, if dead, unacknowledged deed how proved, - - - - -	15 399
same, prove deed how if acknowledgment refused, - - - - -	17 399
same, if dead how deed proved if acknowledgment refused, - - - - -	18 399
subpoenas may issue for, to prove deed, - - - - -	19 399
same, penalty for disobeying, - - - - -	20 399
one sufficient to deed or letter of attorney, - - - - -	41 402
affidavit of to authorize recording, conveyance, &c., - - - - -	42 402
one sufficient to conveyance, - - - - -	52 403
may be compelled to attend and testify, on probate hearing for license to guardian to sell, - - - - -	11 415
same, on probate hearing for license to execute, &c., to sell, - - - - -	6 418
to will, - - - - -	5 426
to nuncupative will, - - - - -	6 426
to will, when legacy &c., to, void, - - - - -	8 426
same, when legacy, &c., to, valid, - - - - -	9 426
when probate of will granted on testimony of one, - - - - -	19 428
to will, when non-resident, others admitted, - - - - -	20 428
to marriage, two necessary, - - - - -	8 461
subpoena, how served on, - - - - -	50 504
in justice case, when attachment for, - - - - -	51 504
same, attachment how executed; fees, - - - - -	52 504
neglecting to appear, penalty, - - - - -	53 504
deposition of, how taken and used, (and next two sections,) and see DEPOSITION, - - - - -	56 504
before justice, oath of, - - - - -	64 506
same, refusing to be sworn, committed to jail, - - - - -	159 520
same, order of commitment specify what; confined until submits, - - - - -	160 520
same, case adjourned until will testify, - - - - -	161 520
same, failing to appear, guilty of contempt unless excused, - - - - -	162 520
same, in criminal case, - - - - -	202 526
same, in case of affray, &c., injured party on to be, - - - - -	210 527
justice may summon orally, if criminal trial continued, - - - - -	213 527
on proceedings under chapter on trials, how summoned, &c., - - - - -	127 575
same, how examined by judge; by referee, - - - - -	128 575
fees of, - - - - -	7 586
justice allow fees for travel of, when, - - - - -	16 590
same, allow fees for but two to one fact, - - - - -	18 590
to probate court, fees of, - - - - -	27 592
attorney, &c., in cause, not to receive fee as, - - - - -	44 592
for United States, when paid expenses, - - - - -	48 594
same, receive certificate of fees from clerk, - - - - -	51 594
to will, being entitled under same, provisions for, - - - - -	33 614
what may be examined orally on motion, - - - - -	20 627
in forcible entry, &c., not appearing, fine, - - - - -	15 652
what fees must be paid or tendered to, - - - - -	3 675
not attending, liable in damages, - - - - -	4 675
same, guilty of contempt; fine, - - - - -	5 675
same, attachment may issue for, - - - - -	6 675
who may give deposition instead of testifying, - - - - -	8 676
what, may be compelled to give deposition, - - - - -	24 677
out of state. See under DEPOSITIONS.	
in state, testimony how perpetuated. See under DEPOSITION.	
out of state, testimony how perpetuated. See same.	
testimony against all persons, how perpetuated. See same.	
may be compelled to give testimony to be used out of state, - - - - -	49 681
defined, - - - - -	50 681
who may be, - - - - -	51 681
defendant in criminal case not to be for himself, - - - - -	51 691
who incompetent to be, - - - - -	52 681
persons in what relations not to be, - - - - -	53 681
when excused from answering question, - - - - -	72 684
in pre-emption case may be compelled to attend and testify, - - - - -	98 688
same, subpoena how notify, - - - - -	100 688
same, fees, how paid, - - - - -	101 688
same, failing to appear, liable for damages, - - - - -	102 688
same, failing to answer questions, penalty, - - - - -	103 688
same, attachment may issue for, - - - - -	104 688
to gaming offense, not excused as having bet or played, - - - - -	5 726
same, testimony as to not to be used against him, - - - - -	5 726
on criminal examination, when held to bail, - - - - -	19 747

MINNESOTA STATUTES 1858

1070

GENERAL INDEX.

	Sec. Page.
WITNESS, same, when other security required of, - - - - -	20 747
married or minor, who may recognize for, - - - - -	21 747
refusing to recognize, committed, - - - - -	22 747
for United States, recognized in change of venue, - - - - -	5 768
co-defendant may be discharged to be, for United States, - - - - -	4 782
same, for his co-defendant, - - - - -	5 782
when juror must be sworn as, - - - - -	9 782
state prison inspectors may swear, as to charges against warden, - - - - -	48 793
WOLVES; act for destruction of, - - - - -	— 851
bounties for killing, how offered and paid, - - - - -	7 852
certificates for same, how issued, - - - - -	8 852
record of premiums for killing, how kept, - - - - -	9 852
WOMAN. <i>See</i> FEMALE; MOTHER; MARRIED WOMAN; WIFE.	
may be apprenticed, - - - - -	1 471
pregnant, producing death of by abortion, manslaughter in second degree, - - - - -	11 703
WOODS; penalty for maliciously firing, (and next section,) - - - - -	49 715
how may be burned for protection, - - - - -	50 715
penalty for burning, how recovered, - - - - -	51 716
WORDS. <i>See</i> CONSTRUCTION; DEFINITION.	
rules for construction of sundry, - - - - -	2 113
technical, how construed, - - - - -	2 113
WORK-HOUSE; county commissioners may establish, - - - - -	9 271
WORSHIP. <i>See</i> RELIGIOUS MEETINGS.	
WOUND, mortal, in one county, and death in another, trial where, - - - - -	8 734
same, without or within state, and death within, same, - - - - -	9 734
WRECK; search warrant for property lost by, - - - - -	14 258
property cast ashore by, how reclaimed, - - - - -	36 264
<i>See</i> PROPERTY ADRIFT.	
WRIGHT COUNTY; boundaries, act of February 20, 1855, - - - - -	78 86
boundary between and Stearns county, fixed, March 20, 1855, - - - - -	220 106
WRIT. <i>See</i> ATTACHMENT; PROCESS.	
when sheriff may send by mail, and have mileage and fees for, - - - - -	81 132
sheriff when to give certificate of receipt of, - - - - -	55 162
penalty for not returning, - - - - -	64 163
what, judge of probate may issue as court commissioner, - - - - -	80 166
of restitution for vessel, &c., adrift, when issued, - - - - -	3 256
same, proceedings under, - - - - -	4 256
what supreme court may issue, - - - - -	2 475
what district court may issue, - - - - -	2 478
same, judge of same may issue in vacation, - - - - -	7 475
in district court, not abate in vacancy, &c., in judgeship, - - - - -	9 479
same, how tested when term not held, - - - - -	10 479
same, adjournment of court not to affect return, - - - - -	11 479
same, how tested, - - - - -	12 479
same, how sealed and returnable, - - - - -	13 479
same, indorsed with name of attorney, &c., demanding, - - - - -	14 479
WRIT OF CERTIORARI. <i>See</i> CERTIORARI.	
WRIT OF CONSULTATION; when issue on return to writ of prohibition, - - - - -	22 634
WRIT OF ERROR; in contested election appeal, - - - - -	74 151
on trial of action for town site lands; proceedings, - - - - -	8 387
when not to stay execution or judgment, - - - - -	4 475
supreme court may issue when; when returnable, - - - - -	22 623
when stay proceedings, - - - - -	23 623
party prevailing on, entitled to his costs, - - - - -	26 624
in judgment for capital offense, how issue, - - - - -	27 624
in other criminal cases, how issue, when stay execution of sentence, - - - - -	28 624
of judgment below affirmed, damages, - - - - -	30 624
dismissal, &c., of, not prevent suing out another, - - - - -	31 624
on judgments against insolvent, within what time may issue; new trial when, - - - - -	25 658
in criminal case, when stay proceedings, - - - - -	45 786
same, if stay, defendant how disposed of, - - - - -	45 786
same, proceedings on, - - - - -	46 786
WRIT OF HABEAS CORPUS. <i>See</i> HABEAS CORPUS.	
WRIT OF INJUNCTION. <i>See</i> INJUNCTION,	
WRIT OF NE EXEAT. <i>See</i> NE EXEAT.	
WRIT OF PROHIBITION; provisions as to, - - - - -	— 633
supreme court to issue, - - - - -	18 633
what to command, - - - - -	18 634
how served; return on, - - - - -	19 634
proceedings on return of, (and next section); trial on, - - - - -	20 634
judgment on return of; when writ of consultation issue, - - - - -	22 634
same, when absolute prohibition issue, - - - - -	23 634
WRIT OF REPLEVIN.	
WRIT OF RESTITUTION; if allowed before appeal, justice certify to appellant, and proceedings stayed, - - - - -	19 652
form of, - - - - -	24 653

Chap. 24, 279 1858

MINNESOTA STATUTES 1858

GENERAL INDEX.

1071

	Sec.	Page.
WRITINGS, &c., party how require admission of genuineness of, on trial,	11	626
if same refused, and writings proved genuine, costs,	11	626
court may order permission to party to inspect and copy,	12	626
if such permission refused, proceedings,	12	626
WRITTEN, in writing, terms how construed,	2	114
YEAR; term how construed,	2	114