
A P P E N D I X
TO
R E P O R T
OF THE
COMMISSIONERS OF REVISION.

EMBRACING THE AMENDMENTS TO THE SAME,
ADOPTED BY THE LEGISLATURE.

A P P E N D I X .

This Appendix comprises not only the amendments to the Report of the Revision Commissioners, but also in addition several of the session laws of 1866, relating to counties, logs and lumber, &c., which will not be comprised in the volume of General Statutes to be published by the State.

These laws and amendments have been prepared and carefully compared with the original rolls on file in the office of the Secretary of State, by Judge E. C. PALMER, who has been one of the Commissioners of Revision from the commencement of this work, and who was also appointed by the last Legislature Editor of the Volume of General Statutes to be published for the State. The profession can, therefore, rely upon the *correctness* of this Appendix. The matter is set up in narrow columns and printed on only one side of the sheet, in order that when desired, the same may be cut into slips and attached to the side of the page where amendments occur, there being a margin on each page of the Report for that purpose.

CHAPTER I.

Section 50 struck out by Legislature—
balance of sections re-numbered to correspond.

CHAPTER III.

Strike out whole chapter and insert the following :

SECTION 1. That for the next Legislature, and thereafter until a new apportionment shall have been made, the Senate of this State shall be composed of twenty-two (22) members, and the House of Representatives shall be composed of forty-seven (47) members.

SEC. 2. That the representation in the Senate and House of Representatives be apportioned throughout the State in twenty-two Senatorial and Representative districts as follows, to wit:

The first district shall be composed of the county of Ramsey, and shall be entitled to elect one Senator and three Representatives;

The second district shall be composed of the counties of Washington, Chisago, Pine and Kanabec, and shall be entitled to elect one Senator and two Representatives;

The third district shall be composed of the counties of Stearns, Todd, Cass, Wadena, Otter Tail, Andy Johnson, Clay, Douglas, Becker, Polk, Pembina, Morrison, Crow Wing, Aiken, Itasca, Buchanan, Carleton, St. Louis and Lake, and shall be entitled to elect one Senator and two Representatives, of which number of Representatives the county of Stearns shall be entitled to elect one, and the balance of the territory the other;

The fourth district shall be composed of that portion of Hennepin county which lies east of the Mississippi river, and the counties of Manomin, Anoka, Sherburne, Benton, Isanti and Millie Laas, and shall be entitled to elect one Senator and one Representative;

The fifth district shall be composed of that portion of Hennepin county which lies west of the Mississippi river, and shall be entitled to elect one Senator and three Representatives;

The sixth district shall be composed of the counties of Wright, Meeker, McLeod, Kandiyohi and Monongalia, and shall be entitled to elect one Senator and two Representatives;

The seventh district shall be composed of the county of Dakota, and shall be entitled to elect one Senator and two representatives;

The eighth district shall be composed of the county of Rice, and shall be entitled to elect one Senator and two Representatives;

The ninth district shall be composed of the county of Goodhue, and shall be entitled to elect one Senator and three Representatives;

The tenth district shall be composed of the county of Wabasha, and shall be entitled to elect one Senator and two Representatives;

The eleventh district shall be composed of the county of Winona, and shall be entitled to elect one Senator and three Representatives;

The twelfth district shall be composed of the county of Olmsted, and shall be entitled to elect one Senator and three Representatives;

The thirteenth district shall be composed of the county of Houston, and shall be entitled to elect one Senator and two Representatives;

The fourteenth district shall be composed of the county of Fillmore, and shall be entitled to elect one Senator and four Representatives;

The fifteenth district shall be composed of the counties of Mower and Dodge, and shall be entitled to elect one Senator and two Representatives;

The sixteenth district shall be composed of the

counties of Steele, Waseca and Freeborn, and shall be entitled to elect one Senator and three Representatives, of which number of Representatives, each county shall elect one each year;

The seventeenth district shall be composed of the counties of Blue Earth and Watonwan, and shall be entitled to elect one Senator and two Representatives;

The eighteenth district shall be composed of the county of Scott, and shall be entitled to elect one Senator and one Representative;

The nineteenth district shall be composed of the counties of Nicollet, Brown, Sibley, Redwood, Renville, Pierce and Davis, and shall be entitled to elect one Senator and two Representatives;

The twentieth district shall be composed of the counties of Faribault, Martin, Jackson, Cottonwood, Murray, Noble, Pipestone and Rock, and shall be entitled to elect one Senator and one Representative;

The twenty-first district shall be composed of the county of Carver, and shall be entitled to elect one Senator and one Representative;

The twenty-second district shall be composed of the county of Le Sueur, and shall be entitled to elect one Senator and one Representative.

CHAPTER IV.

In section 1, line 22, after "compensation," insert "or in any legal proceedings."

CHAPTER V.

Insert at beginning of chapter twenty-three new sections, as follows:

SECTION 1. The Secretary of State, State Treasurer and State Auditor, shall be ex-officio Commissioners of Public Printing during their terms of office respectively.

SEC. 2. The Printing for the State is divided into five classes, to be let in separate contracts as follows: The printing of all bills for the two houses of the Legislature, together with such resolutions and other matters as may be ordered by the two houses; or either of them, to be printed in bill form, shall constitute the first class, and shall be let in one contract; the printing of the journals of the Senate and House of Representatives, and of such reports, communications and other documents as enter into and make a part of the journals, shall constitute the second class, and shall be let in one contract; the printing of all reports, communications and other documents, ordered by the Legislature, or either branch thereof, or by the executive departments, to be printed in pamphlet form, together with the volumes of executive documents, shall constitute the third class, and shall be let in one contract; the printing of the general and local laws, and joint resolutions, shall constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars and other work necessary for the use of the executive departments, other than such as are printed in pamphlet form, shall constitute the fifth class, and shall be let in one contract.

SEC. 3. The commissioners of printing, shall, during the first week in May, A. D. 1867, and annually thereafter give notice in two newspapers printed in the city of St. Paul, and in such other papers in the State as they may deem necessary, not to exceed four, for thirty days, that sealed proposals will be received at the office of the Secretary of State, until the thirtieth day after the first publication of said notice for the execution of the several classes of the State printing in separate contracts, as hereinafter specified, for the term of one year, from the first Monday of November next thereafter. Said proposals shall distinctly and specifically state the price per thousand ems for the composition of

all matter embraced in the five classes of printing, or such of them as shall be covered by the bid; the price per token for all press work embraced in the first, second, third and fourth classes, and the price per quire for the press work contained in the fifth class, at which the bidder will undertake to do the work embraced in the class or classes of the printing covered by his proposals.

Each proposal shall be accompanied by a bond, executed in due form, by the bidder, with at least two good and sufficient sureties, satisfactory to the commissioners of printing, in the penal sum of ten thousand dollars, conditioned for the faithful performance, pursuant to this chapter, of such class or classes of the State printing, as may be adjudged to him, and for the payment, as liquidated damages, by such bidder, to the State, of any excess of cost over the bid or bids of such bidder, which the State may be obliged to pay for such work, by reason of the failure of such bidder to complete his contract. Said bond to be null and void, if no contract is awarded to him. No bid unaccompanied by such bond shall be entertained by the commissioners of printing. *Provided*, that the following prices for printing are hereby established as maximum prices hereof, and no bids at higher rates shall be entertained:

For plain composition per 1,000 ems, 55 cts.;
For figure work per 1,000 ems, 85 cts.;
For rule and figure work per 1,000 ems, \$1.10;
For press work per token of 250 impressions, 55 cts.;

For stitching, trimming and covering pamphlets not exceeding 100 pages, per 100 copies, \$1.25;

SEC. 4. The commissioners of printing or any two of them, shall within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open in public all such proposals by them received, and they shall on careful examination and computation, (with the aid of a disinterested printer, if necessary), award the contract for each class of printing to the lowest bidder therefor; *provided*, that nothing herein contained shall be so construed as to prevent the same person from becoming contractor for two or more classes of printing, if he is the lowest bidder therefor. If two or more persons bid the same and the lowest price for any class or classes of printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interest of the State, having reference however, to a division of the work, as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders propose for the same contract, and the proposal of one is lower on composition, and that of another lower on press work, then the commissioners, with the aid of a disinterested practical printer, selected by them for that purpose, shall make a strict computation based on the work of the same class of printing of the preceding year, and assign the contract or contracts to the lowest aggregate bidder, as shall appear by said computation. If any of the aforesaid printing is executed without the city of St. Paul, all transportation of paper, copy, proof or printed sheets, shall be at the expense of the contractor for such printing.

SEC. 5. The bills, resolutions, and other matters specified in the first class of printing, shall be printed in folio foolscap form, with small pica type, each page to contain not less than thirty lines of solid matter, of the usual length, with a great primer reglet only in each space between the lines; and in counting the composition upon the bills, resolutions and other matters contained in the first class, the same shall be measured as solid small pica matter; every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for.

SEC. 6. The journals of the two houses of the Legislature, specified in the second class, shall be printed in medium octavo form, on small pica type,

with at least 1,600 ems in a page, without any unnecessary lead, blank or broken lines or pages.

SECT. 7. The volumes of public documents and reports, communications and other matters specified in the third class shall be printed on the same kind of type, and the pages shall be of the same size as required by the journals in the preceding section; *provided*, that so much of the annual reports of the officers of the executive departments and of the superintendents of the public institutions as contains the remarks of those officers, may be single leaded with leads not exceeding in thickness six to pica. The volumes of public documents shall contain nothing that is to be inserted in the laws and journals of the same year, and the various reports, communications and other documents inserted therein, shall follow each other in as close, compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or separate title or half title pages, and the paging thereof shall be consecutive, and at the conclusion there shall be an index referring to the particular page at which each separate document commences. In all cases when by order of the Legislature, or either branch thereof, any document is printed in pamphlet form by the contractor for the printing of the volume of public documents, which shall also be inserted in the volume of public documents, and in all cases when any such document is so printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made or allowed for the composition thereof.

SECT. 8. The laws specified in the fourth class shall be printed in medium octavo form, on good small pica type, the pages to be of the same size and form as those of the journals and documents specified in the two preceding sections, with marginal notes to the general laws in nonpareil type, similar to those heretofore inserted.

SECT. 9. The printing for the executive departments, embraced in the fifth class, shall be executed in a style consistent with good workmanship, and with due reference to economy. In estimating the composition, all work in script type, or of which script is the chief kind used, shall be estimated as pica, and measured by the surface actually covered, not by the size of the sheet used. All open work, such as letter heads, blank deeds and the like, shall be estimated in the same manner; *provided* no job shall be counted as less than one thousand ems. All work in other than script type shall be estimated according to the type actually used, *provided*, that when different kinds are used in a single job, it may be measured and estimated proportionately for the different kinds used. In estimating press work in the fifth class, a quire shall be considered twenty-four impressions of a side or page, as the case may be, of twelve or four full sheets of such paper as the proper officer may furnish, with such matter as the printer shall be directed to put upon it; *provided*, that no job of press work shall be estimated at less than one quire.

SECT. 10. In estimating the composition of all pamphlets, laws, journals and volumes of public documents, every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for, and if in any branch of the printing, tabular statements occur, which it shall be impracticable to print on the ordinary sized pages, the same shall be printed in tabular sheets of the necessary size, and the amount of composition on the same shall be ascertained by measuring the printed surface and thereby ascertaining the number of ems. All figure work requiring additional justification in each line, and all rule work requiring the fitting in of rules, shall be allowed one price and a half, and for all rule and figure work double price for composition shall be allowed, the same to be ascertained by strict measurement and count. But one charge shall be made for the composition of all documents ordered to be printed by both branches of the Legislature, and no charge or allowance shall be made for composition when extra, or additional copies are ordered to be printed. In estimating the press work of pamphlets, laws, journals and volumes of public documents, the token shall consist of two hundred and fifty impressions of a form of eight pages, or one hundred and twenty-five sheets of double medium octavo paper, printed on both sides, or two hundred and fifty sheets of the same printed on one side only; *provided*, that if any document makes less than eight pages, or if the last form of any document is not a full form of eight pages, the same shall be counted as a full form.

SECT. 11. The Secretary of State shall give prompt notice to each successful bidder that his proposals have been accepted. If from death or any unforeseen cause there is a failure on the part of any successful bidder to execute his contract, the commissioners of printing or a majority of them, may enter into a contract with the next lowest bidder, or with some other person to execute the work, having reference to the lowest prices at which the same can be done with promptness and accuracy. If any contractor, after commencing upon his contract, fails to execute the work embraced therein with reasonable expedition, and in a suitable manner, the commissioners of printing may notify him that for reasons which they shall specify, his contract is cancelled; and they may take the contract with some other person to do the work at the lowest practicable rates.

SECT. 12. The commissioners of printing shall at the same time and in the same manner as is prescribed in the third section of this chapter, give notice that

sealed proposals will be received for the folding and stitching of all bills, resolutions, pamphlets or documents ordered to be printed, and the brochure covering of all documents ordered to be covered, and for the folding, stitching and binding of the laws, journals and volumes of public documents, which proposals shall specify the rate per hundred sheets for folding, the rate per hundred copies for stitching all bills, resolutions, pamphlets and documents, the rate per hundred copies for brochure covering all documents ordered to be covered, and the rate per hundred sheets for folding, the rate per hundred copies for stitching, and the rate per hundred copies for binding the laws, journals and volumes of public documents, at which the bidder is willing to do the same. The folding of all bills, resolutions, pamphlets or documents ordered to be printed, together with the stitching of the same, and the brochure covering of all documents ordered to be covered by the Legislature, or either branch thereof, shall be let in one contract; and the folding, stitching and binding of the laws, journals and public documents shall be let in another contract. Each bid under this section shall be accompanied with a bond, with two or more sureties, satisfactory to the commissioners of printing, in the penal sum of two thousand dollars, conditioned for the faithful performance of the work specified in the proposal accompanying it; and the commissioners of printing and the contractor or contractors for the work specified in this section shall be governed by the same rules, as far as applicable, regarding the execution of the work, and the transportation of sheets and bound copies of documents, as are specified in this chapter relative to contractors for the printing; *provided*, that the following prices for binding are hereby established as maximum prices therefor, and no bid at higher rates shall be received, entertained or accepted:

For binding session laws, journals and executive documents per volume, in brochure covering, 10 cents;

In pasteboard covering, 35 cents;

In sheepskin, half bound, 70 cents;

In law style, full bound, \$1.25.

SECT. 13. The journals, executive documents and laws required by this chapter to be printed and put up in book form, shall be bound with brochure covering, and each journal and its appropriate appendix shall be bound in the same volume, unless in the opinion of the commissioners of printing the same will make a volume too large for convenience, in which case each journal shall be bound separately, and the appendix shall be bound separately or together, as the said commissioners direct.

SECT. 14. In counting, folding stitching and binding, shall include the collating, drying and pressing.

SECT. 15. The contractor for the printing of bills, resolutions and other matter to be printed in bill form, shall promptly and without delay execute all orders of the Legislature, or either branch thereof, for the printing of all bills, resolutions and other matter, and all contractors under the provisions of this chapter shall promptly and without unnecessary delay execute all orders to them issued by the Legislature, or either branch thereof, or the executive officers of the State; and the laws and volumes of public documents shall be delivered to the contractor for the folding, stitching and binding, on the order of the Secretary of State within forty days, and the journals of the two houses within ninety days after the copy thereof is received by the printer. And the contractor for folding, stitching and binding shall within thirty days after the receipt thereof, execute the folding, stitching and binding, and deliver to the Secretary of State the volumes bound, under the penalty of the forfeiture of his bond; *provided*, however, that the commissioners of printing may on good cause shown by any such contractor, extend the time, not exceeding twenty days, for the execution of his contract.

SECT. 16. The Secretary of State shall examine the work executed under the provisions of this chapter, and see that the printing and binding is executed correctly and in a suitable and workmanlike manner, and in accordance with law, and he shall keep an accurate account of all paper delivered to the contractors for printing, and see that it is used properly and without unnecessary waste. All work to be executed through the executive departments shall be ordered through the Secretary of State, and he shall see that the full number of copies of each job ordered is received from the printer and delivered to the proper department. He shall audit all accounts for printing and binding executed under the provisions of this chapter, and shall keep a record of the cost of printing and binding, the amount of paper used, and the entire expense of each document or item, and a copy of each document shall be duly filed and preserved by him, with the cost endorsed upon it.

SECT. 17. Each contractor for any class of the public printing shall file and preserve one copy of each document or other matter by him printed for the State, which he shall deliver to the Secretary of State, with his account for the same, in which account shall be specifically stated the various jobs performed, the number of copies of each job, the number of ems of composition in each, the extra charge, if any, for rule or figure or rule and figure work, the number of tokens or quires of press work in each, designating whether ordered by the Senate, the House of Representatives, or jointly by both, or by other officers or agents of the State, together with the kind and quantity of paper used for each job.

SECT. 18. Each contractor for the folding, stitching,

covering and binding, shall file and preserve one copy of every document or other matter by him folded, stitched or bound, which he shall deliver, together with his account for the same, to the Secretary of State, which account shall specifically state each item, as provided for in the twelfth section of this chapter, and the number of copies of each bill, pamphlet, resolution or document folded, stitched or covered, and the number of copies of laws, journals and documents bound.

SECT. 19. All accounts filed under the two preceding sections, shall be carefully examined by the Secretary of State, aided by a disinterested practical printer, (if necessary) employed for that purpose, at the expense of the State, and compared with the vouchers therefor and the orders for the same. If any errors are found in such account, said Secretary shall immediately correct the same and return it to the contractor who rendered it, and when the account is finally corrected and adjusted, he shall certify the same to the State Auditor, who, on the receipt thereof, shall give his warrant upon the treasury of the State for the amount thereof payable out of any moneys appropriated for that purpose.

SECT. 20. Each contractor for any class of the State printing shall deliver over to the Secretary of State or on his order to the proper binder, in good order, all copies of work ordered to be printed by him, the Legislature, or either branch thereof, or by the executive departments or other officers or agents of the State. And each binder shall deliver all copies of documents bound by him under the provisions of this chapter, to the proper department or to the Secretary of State, as specified hereinafter.

SECT. 21. The paper for the State printing aforesaid, shall be provided by the State, and the Secretary of State shall from time to time, as the same may be needed, deliver over to each contractor suitable paper for the printing which he is required by his contract to do; he shall take and preserve from each contractor a receipt for all paper so delivered, and at the annual settlement on or before the first day of November, each contractor shall deliver to the Secretary of State all paper which has not been used in the State printing, and if any such paper has been wasted or converted to any other use, the contractor to whom the same has been delivered, shall be charged with the value thereof, together with a penalty of fifty per cent., and the amount shall be deducted from his account.

SECT. 22. The Secretary of State shall furnish a true and accurate copy of the laws as they may be demanded by the printer thereof, and the clerks of the respective branches of the Legislature shall each furnish to the printer, who is bound by his contract to print the same, copies of the journals, bills, reports and other papers and documents without unnecessary delay, and no contractor shall be accountable for any delay occasioned by the want of such copy.

SECT. 23. In printing the journals of the Senate and House of Representatives, as specified in the sixth section of this chapter, the Secretary of the Senate and the Clerk of the House of Representatives of the respective sessions of the Legislature, shall make out indexes to the printed and recorded journals of said Senate and House of Representatives, and attend to reading proof sheets of the same whenever required by the commissioners of printing.

The first five sections of chapter V, as reported are struck out by Legislature.

Section six is numbered 24; section 7 is numbered 25 and amended by inserting "person entitled to print the same," for "State printer," in line 14.

Section 8 is numbered 26, and section 9, 27; sections 10, 11 and 12 are struck out.

Sections 13, 14, 15 and 16 are numbered respectively 28, 29, 30 and 31, and the last sentence of section 16 struck out.

Section 17 is dropped; sections 18, 19, 20, 21, 22 and 23, are numbered respectively, 32, 33, 34, 35, 36 and 37.

Section 23 is amended by inserting "and" before "documents" in line 1, and omitting "and advertisements" in same line, also by striking out "the State printer," in line 2, and inserting "any contractor under the provisions of this chapter, and duly certified by the Secretary of State as provided herein."

Sections 24 and 25 are struck out. Sections 26, 27 and 28 are numbered respectively 38, 39 and 40, and section 28 is amended in line 5 by striking out "fifth" and inserting "fifteenth."

CHAPTER VII.

Section 1. Strike out "two thousand," in lines 1 and 2, and insert "twenty-five

hundred." In line 20, for "three" read "five." In line 21 for "The salary of the State Librarian is," read The State Librarian shall hold no other State office, and shall receive a salary of.

In line 23 for "four," read eight. In line 29 for "clerks," read clerk, and for "eight" read nine.

In line 31, for "clerks" read clerk, and for "receives a salary of six," read receives eight.

In line 35 for "eight hundred," read one thousand.

In line 37 for "five" read six. In line 39 for "four," read five. In line 46, for "five," read six.

CHAPTER VIII.

Title I was enacted as reported, but the Legislature passed the following special acts on the subject of counties, to wit:

AN ACT to establish the county of Beltrami.

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

SECTION 1. That so much territory as is comprised within the following described limits, coincident with the lines of the U. S. land surveys when run and marked, be and the same is hereby established as the county of Beltrami:

Beginning at the point where the line between ranges thirty-eight and thirty-nine intersects the line between townships one hundred and forty-two and one hundred and forty-three; thence northwardly on said range to the northwest corner of township one hundred and fifty-four, range thirty-eight; thence eastwardly on the line between townships one hundred and fifty-four and one hundred and fifty-five, to the line between ranges twenty-nine and thirty, or to the nearest range line east of the mouth of Turtle river; thence southwardly on said range line to the centre of the main channel of the Mississippi river; thence up the centre of the main channel of said river to its intersection with the line between townships one hundred and forty-two and one hundred and forty-three; thence westwardly along said township line to the place of beginning.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect from and after its passage.

Approved, February 23, 1866.

AN ACT to define the boundary line of Chippewa County, and to provide for its organization.

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

SECTION 1. The boundary line of Chippewa county is hereby established, and shall hereafter be as follows:

Beginning in the middle of the main channel of the Minnesota River, on the range line between ranges thirty-six and thirty-seven; thence north to the northeast corner of township one hundred and nineteen; thence west to the northwest corner of said township one hundred and nineteen; thence north to the northeast corner of township one hundred and twenty-two of range thirty-eight; thence west to the northwest corner of township one hundred and twenty-two of range forty, west; thence south to the centre of the main channel of the Minnesota River; thence down said river to the place of beginning.

SECT. 2. The county of Chippewa is hereby declared an organized county, and the county seat thereof temporarily located at Chippewa City.

SECT. 3. This act shall take effect and be in force from and after the ratification of the act entitled "An act to define the boundary line of Renville county, and to provide for its organization."

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 23, 1866.

AN ACT to define the boundary lines of McPhail county and attach the same to Redwood county for judicial purposes.

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

SECTION 1. The boundary line of McPhail county is hereby established, and shall hereafter be as follows:

Beginning at the intersection of the middle line of the Minnesota river and the range line between ranges thirty-nine and forty, thence in a northwesterly direction on the middle line of the main channel of the Minnesota river to the western boundary line of the State of Minnesota, thence in a southerly direction on the boundary line of the State to the township line between townships one hundred and eight and one hundred and nine, thence east on said line to the range line between ranges thirty-nine and forty, thence north on said line to the place of beginning.

SECT. 2. At the time of giving notice of the next general election it shall be the duty of the officers of the county of Redwood required by law, to give notice in like manner that at said election a vote will be taken on the question of changing the boundary lines of Redwood county in accordance with the provisions of this act. At said election the voters of said county of Redwood in favor of the change proposed by this act shall have distinctly written or printed on their ballots, "for change of boundary lines of Redwood county," and those opposed to said change "against change of boundary lines of Redwood county," and return thereof shall be made to the same officer by the judges of election of the several townships as votes for State officers.

SECT. 3. The county officers to whom the returns are made in said county shall, within twenty days after said election, canvass the votes returned for and against the change of boundary lines, and shall forthwith certify the result of such canvass to the Governor, who, if it appears that a majority of the votes in the said county of Redwood on the question of changing the boundary lines are in favor of such change, shall make proclamation thereof by causing to be published in a newspaper in said county of Redwood that the change proposed by this act has been ratified and adopted by the majority of the electors of said county.

SECT. 4. The foregoing provisions of this act shall take effect and be in force from and after the ratification and adoption of the proposed change by a majority of the voters of Redwood county.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 1, 1866.

AN ACT to detach certain townships from McLeod county, and to attach the same to Sibley county.

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

SECTION 1. That townships numbered one hundred and fourteen north of ranges Nos. twenty-nine and thirty west of the fifth principal meridian, are hereby detached from McLeod county and attached to Sibley county, and the said townships are hereby declared to be, and shall hereafter form and be a portion of said Sibley county in this State.

SECT. 2. This proposed alteration of attaching said townships to Sibley county shall be submitted to the people of McLeod and Sibley counties for their approval or rejection, at the next general election of this State, viz: On the first Tuesday after the first Monday of November in the year one thousand eight hundred and sixty-six. The ballots at such election shall be written or printed as follows:

Those in favor of the alteration and annexation of said townships to Sibley county, "for attaching townships Nos. 114 north of ranges 29 and 30 to the county of Sibley."

And those against such alteration and annexation, "against attaching townships Nos. 114 north of ranges 29 and 30 to the county of Sibley."

The polls of such election shall open and close at the same time, and be conducted in the same manner, and the same notice shall be given of such election as is or may be directed by law for electing State officers; and the returns thereof shall be made, certified and canvassed in the manner provided by law for returning and canvassing votes for State officers; and if it shall appear from said returns and canvass that a majority of the legal voters of each of the counties of McLeod and Sibley present at the various polls and voting at such election, have ratified the proposed alteration and annexation of said townships to said Sibley county, then the same shall be valid to all intents and purposes, and the same shall be published by the proper officer or person according to the existing laws of this State.

SECT. 3. This act shall take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 23, 1866.

AN ACT to attach certain townships therein described to McLeod county.

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

SECTION 1. That townships numbered one hundred and fifteen, one hundred and sixteen, one hundred and seventeen north of ranges thirty-one and thirty-two west of the fifth principal meridian, are hereby attached to McLeod county, and shall hereafter be a part of said county.

SECT. 2. At the time of giving notice of the next general election, the proper officers in McLeod county shall in like manner give notice that at said election, a vote will be taken on the question of attaching certain townships to McLeod county, according to the provisions of this act. At said election the voters of McLeod county, in favor of the change proposed in this act, shall have distinctly written or printed on their ballots for State and county officers, "For addition of towns to McLeod county," and those opposed to said change, "Against addition of towns to McLeod county," and the judges of election in the several towns shall make returns thereof to the county auditor with the returns of votes for State and county officers.

SECT. 3. This act shall take effect and be in force from and after the ratification of the proposed addition of townships by a majority of the electors of McLeod county voting therein.

SECT. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 23, 1866.

AN ACT to attach certain territory therein named to the county of Monongalia.

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

SECTION 1. That so much territory as is embraced in the following boundaries, be and the same is hereby attached to and shall become a part of the county of Monongalia:

Beginning at the northeast corner of township one hundred and twenty-two north of range thirty-seven west, and running thence on the township line between townships one hundred and twenty-two and one hundred and twenty-three, west to the northwest corner of said township; thence along the range line between ranges thirty-seven and thirty-eight south to the southwest corner of township one hundred and twenty, north of range thirty-seven west; thence along the township line between townships one hundred and nineteen and one hundred and twenty east to the southeast corner of township one hundred and twenty north of range thirty-seven west; and thence north along the range line between ranges thirty-six and thirty-seven to the place of beginning.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect and be in force from and after its adoption by a majority of the legal voters of the counties affected thereby, who shall be present and vote thereon at the next general election, and after said adoption shall have been proclaimed by the Governor.

Approved February 21, 1866.

AN ACT to change the name of Rock county to Lincoln County.

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

SECTION 1. The name of the county of Rock is hereby changed to that of Lincoln county.

SECT. 2. This act shall take effect and be in force from and after the time when the county now forming the county of Lincoln shall become attached to and [form] part of other counties.

Approved March 1, 1866.

AN ACT to define the boundary line of Pope county and to provide for its organization.

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

SECTION 1. The boundary line of Pope county is hereby established and shall hereafter be as follows:

Beginning at the northeast corner of township one hundred and twenty-six north of range thirty-six west of the fifth principal meridian, thence west to the northwest corner of township one hundred and twenty-six north of range forty west; thence south to the southwest corner of township one hundred and twenty-three north of range forty west; thence east to the southeast corner of township one hundred and twenty-three north of range thirty-six west; thence north to the place of beginning.

SECT. 2. The county of Pope is hereby declared an organized county, and the county seat thereof temporarily located at the town of Stockholm situated upon the north half of the southeast quarter of section number eighteen in township one hundred and twenty-three north of range thirty-seven west.

SECT. 3. This act shall be in force from and after its passage.

Approved February 23, 1866.

AN ACT to define the boundaries of Renville county and to provide for its organization.

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

SECTION 1. The boundary line of Renville county is hereby established, and shall hereafter be as follows:

Beginning at the centre of the main channel of the Minnesota River, on the line between township one hundred and eleven and township one hundred and twelve north, thence east to the southeast corner of township one hundred and twelve north of range thirty-two west; thence north to the northeast corner of township one hundred and fourteen north; thence west to the northwest corner of township one hundred and fourteen north of range thirty-two west; thence north to the northeast corner of township one hundred and sixteen north; thence west to the northwest corner of township one hundred and sixteen north of range thirty-six west; thence south to the centre of the main channel of the Minnesota River; thence down said river to the place of beginning.

SECT. 2. The county of Renville is hereby declared an organized county, and the county seat thereof temporarily located at Beaver Falls. The last election of county officers for Renville county is hereby confirmed and ratified, and said officers, until their successors are elected and qualified, shall have full power and authority to do and perform all acts and duties of their respective offices within the limits of Renville county, as defined in section one of this act, which the officers of other organized counties can do and perform within their respective counties.

SECT. 3. At the time of giving notice of the next

general election, it shall be the duty of the officers of Renville county, required by law to give notice of such election, to give notice in like manner, that at said election a vote will be taken on the question of changing the boundary lines of Renville county in accordance with the provisions of this act. At said election the voters of Renville county in favor of the change proposed by this act, shall have distinctly written or printed, or partly written and partly printed on their ballots, "For change of boundary lines of Renville county." And those opposed to such change, "Against change of boundary lines of Renville county." And returned to the same officer by the judges of election as votes for State officers.

SECT. 4. The county officer to whom the returns are made, shall within twenty days after said election, canvass the votes returned for or against the change of boundary lines, and shall forthwith certify the result of such canvass to the Governor, who, if it appears that a majority of votes in said county on the question of changing the boundary lines, are in favor of such change, shall make proclamation thereof by causing to be published in a newspaper in said county, or in Brown county, that the change proposed by this act has been ratified and adopted by the majority of the electors of said county.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 6. This act shall take effect and be in force from and after the ratification and adoption of the proposed change as aforesaid.

Approved March 1, 1866.

TITLE II.

SECT. 81. In line 7, after "made," insert, upon giving security for costs to be approved by the county auditor.

SECT. 103. In line 10, after "and," insert, shall within thirty days thereafter.

SECT. 153. In line 9, after "bond," insert, payable to the State of Minnesota.

SECT. 177. In line 8, after "office," read, except town or city marshal.

CHAPTER X.

SECT. 14. In line 1, strike out "assessor and."

SECT. 15. In line 16, for "hogs," read and. In same line, strike out "goats and dogs." After "large," in line 17, insert, provided that no cattle, horses, mules nor asses be allowed to go at large between the 15th of October and the 1st of April.

SECT. 76. Strike out all after "office," in line 3.

SECT. 78. After "law," in line 10, insert, except such moneys as are appropriated for bounty to soldiers, of which he shall only be allowed to retain one per cent.

SECT. 82. In line 5, for "one dollar," read, two dollars. In line 25, for "fifty," read, one hundred.

SECT. 94. In line 1, for "inhabitants," read, electors.

SECT. 98. In line 1, for "inhabitants," read, electors.

SECT. 99. In line 1, for "inhabitants," read, electors.

CHAPTER XI.

SECT. 4. At end of section add the following:

Provided, That all shares of stock in any National Bank located within this State, whether held or owned by residents or non-residents of this State, shall be listed for taxation and taxed in the city, town or township in which the Bank is located.

SECT. 40. At end of section add the following:

And such auditor shall indorse on all deeds of conveyance presented to him for transfer, a statement with his signature thereto, that the proper entry of such transfer has been made in his office, unless said deed is of lands not entered for taxation on his books, in which case he shall indorse thereon, "not entered for taxation." The county auditor shall at the same time ascertain from the records and books in his office whether or not all taxes are paid on the land or real property described in said deed, and shall enter upon the same over his signature, the words "taxes paid," or "taxes not paid," as the case may be, and when the entry "taxes not paid," is so made upon any deed, the register of deeds, when the same is presented for filing, and to be recorded shall refuse to receive or

record the same, and any violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor; and upon conviction thereof he shall be punished by a fine not exceeding one hundred dollars.

SECT. 41. Strike out whole section, and re-number sections accordingly.

SECT. 42. In lines 11 and 14, strike out "mortgage."

SECT. 46. In line 3, after "credits," insert, investments in.

SECT. 54. Strike out line 1 to and including the word "county," in line 8, and insert:

Each county auditor shall make out and transmit by mail to the auditor of State before the fifteenth day of November annually, a complete abstract of the duplicate of his county, stating the number of acres of land assessed, the value of such land and the structures thereon; the value of town and city lots, including structures; the total value of personal property, and the aggregate value of all taxable property in his county, and of the total amount of taxes for all purposes assessed thereon for that year.

SECT. 65. In line 1, after "application," insert, by letter or otherwise. In line 2, after "applicant," insert, without charge. In line 7, for "land," read deed.

SECT. 79. In line 10, for "three," read ten. In line 15, for "three," read five.

SECT. 116. After "paid," in line 5, insert, provided that as between grantor and grantee such lien shall not attach until the first day of December.

SECT. 117. Strike out whole section and insert:

SECT. 116. Lands sold or forfeited for non-payment of taxes shall be retained on the duplicate and taxes assessed thereon each year, and such subsequent taxes and interest, on such forfeited lands, shall constitute and remain an additional lien upon such lands under the original forfeiture until paid. The county auditor shall designate in a marginal column that such lands are sold or forfeited.

SECT. 118. Strike out whole section and insert the following:

SECT. 117. The taxes on real property for each year shall be paid during the months of January and February in each succeeding year, and if not paid in full by the first day of March in each year, shall be deemed delinquent, and a penalty of five per cent. shall be added thereto, which shall constitute and remain a lien on such property until paid.

SECT. 120. Strike out all after "thereafter," in line 17, and insert:

Or on any subsequent day to which such sale may be lawfully adjourned by the county treasurer, unless such taxes, penalty and expenses are paid before that time.

SECT. 124. In line 5, strike out all after "day to day," and insert:

For a period of fifteen days, if necessary, for the disposal of such lands. Provided, That nothing in this section shall be so construed as to prevent said treasurer from offering, in his discretion, any tract of land, two or more times at the same sale.

SECT. 128. In line 5, for "interest," read penalty. In line 7, for "be," read is. In line 13, for "be" read is.

SECT. 130. After "taxes," in line 7, insert penalty. In line 9, for "eight," read seven.

SECT. 133. Strike out lines 9 to 14 inclusive and insert:

Assessed thereon with interest at the rate of twenty-four per cent. per annum from the first day of June succeeding the levy of such taxes, or in case said land was forfeited the date of such forfeiture the amount of the taxes, interest and charges due at such date, and all subsequent taxes, interest and charges due thereon the same as if the land had been sold; and

In line 15, strike out "interest," after "amount," and insert interest after "taxes," in same line.

SECT. 155. In line 6, for "seventh," read fifth.

After Sect. 156, add new sections, as follows:

SECT. 156. All lands heretofore forfeited to the State prior to the first day of June, A. D. 1865, and now remaining unsold or unredeemed, may be redeemed at any time prior to the first Moaday of June,

A. D. 1866, upon payment of taxes, penalty, interest and costs due at said last named date; and all such lands remaining unredeemed on said first Monday in June, A. D. 1866, shall become the absolute property of the State, and may be disposed of at public or private sale as the State auditor may direct under the provisions of this chapter.

SECT. 157. All lands heretofore forfeited to the State upon and after the first day of June, A. D. 1865, and which shall not be sold or redeemed prior to the first Monday in June, A. D. 1866, shall become subject to the provisions of this chapter to the same extent as lands hereafter forfeited to the State under the provisions hereof: and may be redeemed within the same time, or disposed of if unredeemed, in like manner, under the direction of the State auditor.

SECT. 158. This act shall take effect and be in force from and after its passage.

Approved March 2, 1866.

CHAPTER XIII.

SECT. 14. In line 5, after "dollar," insert, and fifty cents.

SECT. 20. After "personally," in line 7, omit balance of section.

SECT. 25. In line 3, after "dollar," insert, and fifty cents.

SECT. 29. In line 3, for "this," read his.

SECT. 43. After "controversy," in line 7, insert, and shall be filed within ten days from the time of making such decision in the office of the clerk of the town where the controversy arose.

SECT. 56. Strike out whole section. Sections re-numbered to correspond.

SECT. 69. Strike out whole section. Sections re-numbered to correspond.

CHAPTER XVI.

SECT. 2. In line 4, for "ten dollars," read, twenty-five dollars per annum. In line 12, after "sabbath," insert, nor on any general or special election day.

CHAPTER XVIII.

SECTION 1. In line 6, after "may be," insert, or any such fences as the parties may agree upon.

CHAPTER XIX.

SECT. 1. In line 5, after notice strike out "up."

SECT. 5. In line 6, for "or," read, the fees. In line 6, strike out "or supervisors." In line 8, after "damages," insert, appraised as aforesaid. In line 9, after "estrays," insert as herein after provided.

SECT. 6. In line 13, strike out "and put on file in his office." In line 14, after "Estray Book," insert, and put on file in his office.

SECT. 7. In line 4, for "by," read after, and after "notices," insert, thereof. In line 11, for "six," read four.

SECT. 12. Strike out whole section and insert the following:

SECT. 12. The county treasurer shall after deducting two per cent. for his fees, pay such surplus money if claimed within one year after such sale to the owner of such estray; if not claimed within that time, to the school fund of the town in which the estray was kept.

TITLE III.

Strike out "During the Night Time," in title.

SECT. 29. At end of section insert:

No damage shall be recovered by the owner of any lands for damage committed thereon by any beasts during the day time until it shall first be proved that said lands are enclosed by a lawful fence. Any three rail fence four and a half feet high constructed of such materials and in such a manner as to constitute a good and sufficient fence as against cattle, horses, asses and mules two or more years old, that are not breachy, or any fence equal thereto in efficiency, shall for all purposes of this act (chapter?) be deemed a lawful fence: but it is not intended that the word "cattle," as used in this section, shall be so construed as to include either sheep or swine or any other domestic animals not exceeding the same in size.

SECT. 31. In line 2, after "appointment," insert, be duly sworn and.

SECT. 34. In line 3, strike out "as soon as practicable," and insert, within five days.

CHAPTER XX.

SECT. 5. In line 3, for "first," read fifteenth. In line 4, for "or," read of.

CHAPTER XXIII.

SECT. 3. In line 3, strike out "Fast."

CHAPTER XXV.

SECT. 2. In line 7, strike out "agent or sub-agent," and insert, or agents.

CHAPTER XXVI.

After section 4, insert new section as follows:

SECT. 5. Any notary public appointed under the provisions of this act (chapter?) shall have his commission recorded by the clerk of the district court of the county in which he resides, and for which he was appointed, or of the county to which such county is attached for judicial purposes, in a book provided by the several clerks for that purpose, on the payment to the clerk of one dollar for recording the same; and the clerk shall upon having recorded such commission and when thereunto requested, certify to the official acts of such notary public, whose commission is so recorded, in the same manner and for the same fees allowed by law for similar certificates to authenticate acts of justices of the peace.

Remaining sections are re-numbered to correspond.

CHAPTER XXVIII.

SECT. 1. Strike out all after "auctioneers" in line 3—insert as an independent sentence the following:

The county auditor shall record every license granted.

SECT. 2. Strike out this section, and re-number the balance to correspond.

CHAPTER XXXII.

SECT. 4. In line 1, for "six" read seven.

SECT. 5. In line 10 after "Pepin" insert to the southern line of Wabashaw County. Also add at end of section 5, the following: The Mississippi River and its tributaries from the southern line of Wabashaw county to the southern line of the State of Minnesota constitute the seventh district.

SECT. 16. In lines 5 and 6, strike out "except in the first district where the fee shall be three cents per thousand feet."

SECT. 33. In line 12 strike out "or their."

The legislature also passed an act entitled

AN ACT in relation to the driving of logs, timber and lumber.

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

SECT. 1. That any person who shall desire to float to market or place of manufacture, any logs or timber in any of the streams in this State, and who shall be hindered and obstructed in so doing by the logs or timber of another, or any person whose logs or timber, in any of the waters of this State, are so intermixed with the logs or timber of another, that the same cannot be conveniently separated for the purpose of floating to the market or place of manufacture, may drive all logs or timber with which his own is or may be obstructed or intermixed, towards such market or place of manufacture, to some point where the same can be conveniently separated from his own, and shall be entitled to a reasonable compensation therefor from the owner of such logs or timber, and upon filing in the office of the Surveyor General of the district where such logs may be, within thirty days after the completion of such driving of any such logs or timber, a statement setting forth when and where the same were driven, the amount of the claim therefore, together with the mark borne upon any such logs or timber, and verified by his oath or affidavit, such person shall have and retain a lien upon

any logs or timber bearing such mark, for the amount of such claim, from the time of filing the same, and may have and maintain a civil action for the amount of such claim or for the enforcement of such lien against the owner of such logs or timber, or any person in whose name such marks shall be recorded, at the time of filing such claims, provided that a failure to commence such action within thirty days after the filing such claim, shall operate as a discharge of said lien.

SECT. 2. Any person having a claim or lien upon any logs or timber, as provided in the preceding section, properly adjudicated before any court having jurisdiction thereof, may proceed to sell at public auction a sufficient quantity of such logs or timber to pay and satisfy such claim or lien, first giving at least six days notice of the time and place of such sale, and amount of such claim, by posting notices of such sale in three of the most public places in the city or town where such logs may be, and where such sale shall take place, and any sheriff, constable or other person may act as auctioneer and execute proper bills of sale, without incurring personal liability on account thereof.

SECT. 3. Nothing in this act shall be so construed as to interfere with any boom or booms necessarily erected for the safe keeping of logs or timber.

SECT. 4. This act shall take effect on and after its passage.

Approved Feb. 24, 1866.

CHAPTER XXXIV.

SECT. 28. In line 5, strike out "other."

SECT. 34. In line 12, after "less," insert than.

SECT. 46. In line 2, strike out "six."

SECT. 50. In line 4 strike out "every stockholder" and insert all stockholders.

SECT. 53. Add the following:

Provided that no fire insurance company organized within this State, nor any agent thereof, shall transact any business of fire insurance within this State unless such company is possessed of at least twenty-five thousand dollars in cash or in value, other than risks, of actual capital above all debts and liabilities, invested in stocks or bonds or mortgages on real estate worth double the amount for which the same is mortgaged. The provisions of sections 117, 118 and 120 of title 6 of this chapter shall extend and apply to all insurance companies organized under the laws of this State.

Provided, further, that it shall be the duty of the County Attorney in each county where any such company is situated, upon complaint of two or more members of such association or company, or persons insured therein, to examine at any time into the financial condition of such company, and if in his opinion such company does not possess the amount of capital on hand according to the requirements of the law, or in other material things are not complying with the law, he shall so certify to the State Treasurer, who, upon the report of such certificate from the county attorney, shall cancel the certificate issued to said company under sections 114 and 117 of Title 6 in this chapter, and the Treasurer of State shall so notify said company immediately that their certificate is cancelled.

Provided, further, that the liability referred to in this section shall not be construed to refer to the risks taken by said company.

Provided, further, that mutual insurance companies organized under the laws of the State of Minnesota, may do business in the county where organized, and there only, without having the capital required in this act."

SECT. 54. In line 5, after "missionary society," insert fire department association. Insert after section 64 the following,

SECT. 65. Any orphan asylum incorporated under the laws of this State may take and have the charge, custody and control of any destitute children within the State under the age of twenty-one years, whose parents are dead or under legal incapacity, or have abandoned or neglected to provide for such children, with the consent of the county commissioners or any two of the county commissioners of the county where such children at the time reside, or are found, subject, however, to the duty on the part of such orphan asylum aforesaid, properly to care and provide for such children while they exercise such charge, custody and control of them.

SECT. 66. Any orphan asylum aforesaid may also assume and have the charge, custody and control of any destitute children within the State, under the age aforesaid, whose parents are from any cause incapacitated or unable to provide or care properly for such children, with the consent of the parents, or either of the parents, subject to the duty specified in the foregoing section.

SECT. 67. Any orphan asylum aforesaid shall possess the same authority and powers over the children in their charge and custody as parents and guardians possess over children subject to them, and may, in their discretion bind out any such child to some suitable employment until such child, if a male, shall attain the age of twenty-one years, and if a female, the age of eighteen years, or for a shorter period. But proper provisions shall in every case be made and inserted in the indentures by which (any) child shall be

bound to service, for receiving an education proper and fitting for the condition and circumstances in life of such child; Provided, that nothing herein contained shall prevent the proper judicial tribunal from awarding the custody of any orphan child to any person in its discretion.

SECT. 65 is numbered 68 and succeeding sections re-numbered to correspond as far as Title VII, at which point new sections are inserted as follows:

TITLE VII.

Plank Roads and Turnpikes.

SECT. 126. The provisions of sections one, two, three and four, sections six to twenty-seven inclusive, and sections thirty and thirty-two of Title one shall apply to and be observed by corporations and companies organizing under this title.

SECT. 127. No plank road or turnpike company shall lay out or construct their road through any orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures or erections used or intended for the purposes of trade or manufactures, or any yards or enclosures necessary to the use and enjoyment thereof, without permission from the owners; and when the said route is determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, to enter upon, take possession of, and use such lands to the width of four rods, upon their first making payment, at the time and in the manner hereinafter specified, of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed. Provided, that the said corporation shall not in their corporate capacity, hold, purchase or deal in any lands other than the lands on which the said road shall run, or which may be actually necessary for the construction or maintenance thereof, and of the gates, toll houses, and other fixtures connected therewith.

SECT. 128. Any plank road or turnpike company legally organized under the provisions of this title, may procure, by purchase, or gift, from the owners thereof, any lands necessary for the construction of their road, or for the erection of gates, toll houses, and other fixtures; and may also procure, by agreement, with the supervisors of the township and the county commissioners of the county through or in which such road is to be located, the right to take and use any part of any public highway in such county, for the construction of such proposed road, and agree with such commissioners and supervisors upon the amount of compensation and damages to be paid by such company for such highway; every such agreement shall be in writing, and shall be filed in the office of the register of deeds of the county; and such compensation and damages, when paid, shall be expended by the proper officers in improving the highways of the town through or in which such road was located.

SECT. 129. When any such company has procured all the lands necessary to be used for the construction of its road in any county, and the right to take and use such parts of the public highway in such county, as shall be necessary for that purpose, it shall cause an accurate survey of such road to be signed by its president and secretary, and acknowledged by them, as conveyances of real estate are required to be acknowledged, and recorded in the office of the register of deeds of such county; and whenever such company has so procured the land, and the right to take and use the parts of public highways necessary to construct its road in any such county, and has caused such survey thereof to be made and recorded, said company may construct so much of its road as shall be intended to be constructed in any such county; and so much of any such road as shall be situated in any county, may be embraced in one survey, and recorded as aforesaid.

SECT. 130. Whenever it is necessary for such company to enter upon and occupy, for the purpose of making said road, any lands, the owners of which refuse to permit such entry, or occupation, and such company cannot agree with such owners upon the compensation and damages to be paid for the use of such land, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such compensation and damages; every such appraisement shall be reduced to writing, and signed by the appraisers, or a majority of them, and a duplicate copy thereof shall be furnished to each of the parties; the expense of said appraisement shall be paid by said company.

SECT. 131. Every plank road made by virtue of this title shall be laid out at least four rods wide, and shall be so constructed as to make, secure and maintain a smooth and permanent road, the track of which shall be made of timber, plank, or other hard material; so that the same shall form a hard and even surface, and be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other; and also, so as to permit all carriages to pass on and off, where such road is intersected by other roads.

SECT. 132. Every turnpike road that shall be constructed by virtue of this title, shall be laid out at least four rods wide, and shall be bedded with stone, gravel, or such other material as may be found on the line thereof, and faced with broken stone or gravel, so as to form a hard and even surface, with good and sufficient ditch on each side whenever the same are practicable; the arch or bed of such road shall be at least eighteen feet wide, and shall be so constructed as to permit carriages and other vehicles conveniently to

pass each other, and to pass on and off such turnpike where it may be intersected by other roads.

SECT. 133. Whenever any plank road company completes its road, or any five consecutive miles thereof, the said company may erect one or more toll gates upon their road, but not within three miles of each other, and may demand and receive toll not exceeding two cents per mile for any vehicle drawn by two animals; and for any vehicle drawn by more than two animals, one cent per mile for every additional animal; for every vehicle drawn by one animal, one cent per mile; for every score of sheep or swine, and for every score of neat cattle, one cent per mile, and in the same proportion for any greater or less number of cattle, sheep or swine; for every horse and rider, or led horse, three-fourths of a cent per mile.

SECT. 134. Whenever any turnpike road company completes their road, or any five consecutive miles thereof, the said company may erect one or more toll gates upon their road, but not within three miles of each other, and may demand and receive toll not exceeding the following rates: For every vehicle drawn by one animal, three-quarters of a cent per mile; for every vehicle drawn by two animals, one and a half cents per mile; for every vehicle drawn by more than two animals, one-quarter cent additional mile, for every animal more than two; for every score of neat cattle, one cent a mile; for every score of sheep or swine, one-half cent a mile, and in the same proportion for any greater or less number of neat cattle, sheep or swine; for every horse and rider, or horse, one-half cent a mile.

SECT. 135. No tolls shall be collected at any gate of any company incorporated under this title, from any person passing to or from public worship, or a funeral, or from any person going for a physician, or returning from such errand, or from any person going to or returning from any court, when legally summoned as a juror or witness, or from any person going to a town meeting or election, at which he is entitled to vote, for the purpose of giving such vote, and returning therefrom; or from farmers going to and from their work on their farms; and no more than half the rate of toll provided for in this title, shall be taken from persons living within one mile of the gate at which the toll is taken.

SECT. 136. The commissioners of any county in which a toll gate may be located, on any such road, whenever they or a majority of them are of opinion that the location of such gate is unjust to the public interests, by reason of the proximity of diverging roads, or for other reasons, may, by giving at least fifteen days written notice to the president or secretary of said company, apply to the district judge of the county in which such gate is located, for an order to alter or change the location of such gate; the said judge on such application being made, and on hearing the respective parties, and on viewing the premises, if he deems such view necessary, shall make such order in the matter as to him may seem just and proper; and either party may, within fifteen days thereafter, appeal from such order to the district court of the county, on giving such security as the district judge shall require; such order, unless appealed from, shall be observed by the respective parties, and may be enforced by attachment or otherwise, as the said court shall direct; and if appealed from, the decision of the district court shall be final in the matter, and the said district court may direct the payment of costs in the premises, as shall be deemed just and equitable.

SECT. 137. The debts and liabilities of any company formed under this title, shall not exceed in amount at any one time, fifty per cent. of the amount of its capital actually paid in; and if such debts and liabilities shall at any time exceed such amount, the stockholders who were such at the time any excess of debts or liabilities was created or incurred, shall be jointly and severally, individually liable for such excess, in addition to their other individual liability, as provided in this title.

SECT. 138. The directors of every company formed under the provisions of this title, shall report annually to the Secretary of State, under the oath of two such directors, the cost of constructing their road; the amount of all moneys expended; the amount of their capital; how much of the same is paid in; and how much is actually expended; the whole amount of tolls or earnings expended on such road, the amount received during the previous year for tolls, and from all other sources; stating each separately; the amount expended; the amount of dividends made; the amount set apart for repairs, and the amount of indebtedness of such company; specifying the object for which the indebtedness accrued.

SECT. 139. The town supervisors are inspectors of roads within their town, and whenever a complaint in writing to any two supervisors is made that any part of a plank road or turnpike in their town is out of repair, they shall without delay view and examine the road complained of; and if they find such complaint to be just, they shall give notice in writing of the defect to the toll gatherer or person attending the gate nearest the place out of repair, and may in their discretion order such gate to be thrown open; but such supervisors shall not order such gate to be thrown open unless a notice in writing shall have been served on the gate keeper nearest the place out of repair, particularly describing such place, at least three days previous to making such order.

SECT. 140. Notice of such order shall be served on such gate keeper, and immediately thereafter, the gate ordered to be thrown open shall be opened; nor shall it be again shut, nor shall any toll be collected thereat, until two supervisors of the town where such

road out of repair is located, shall grant a certificate that such road is in sufficient repair, and that such gate ought to be closed.

SECT. 141. Whenever any part of such road is out of repair, and the gate nearest the place out of repair is situated in an adjoining county, any two supervisors of the town in such adjoining county where such gate may be, upon complaint made to them in writing, shall view and examine the road complained of, and proceed thereon as provided in the one hundred and thirty-ninth section of this title, in like manner as if the portion of road complained of was within the precinct (town) where such gate is situated.

SECT. 142. Whenever any toll gate is ordered to be thrown open, as provided herein, or whenever such supervisors refuse to grant a certificate that the road complained of is in sufficient repair, the company owning such gate, or the gate keeper attending the same in their behalf, may appeal from the order or decision of such supervisors to the district judge of the same district where such supervisors reside, by delivering a statement in writing of their order or decision and of such appeal verified by affidavit to such judge; and thereupon such district judge shall forthwith proceed to view and examine the road complained of, and may reverse or confirm the order or decision of such supervisors respecting the same; and if he reverses their order or decision, then such gate may be closed; but if he confirms the same, then such gate shall not be closed until such district judge grants a certificate that such road is in sufficient repair.

SECT. 143. Every keeper of a gate ordered to be thrown open, who shall not immediately obey such order, or who shall not keep open such gate until a certificate permitting it to be closed shall be granted, or who, during the time such gate ought to be open, shall hinder or delay any person in passing, or take or demand any toll from any person passing, shall, for each offense, forfeit the sum of ten dollars to the party aggrieved.

SECT. 144. To each supervisor who shall view a plank or turnpike road, upon complaint made to him, and to each district judge for the like service, shall be allowed the sum of one dollar and fifty cents for each day spent by him in the performance of such duty, and if the road viewed, shall be adjudged out of repair, such fees shall be paid by the company to which the road shall belong; otherwise they shall be paid by the party making the complaint.

SECT. 145. Such fee, when payable by the company, shall be paid by the toll gatherer nearest that part of the road adjudged out of repair, on demand, and out of the tolls received, or to be received by him, and may be recovered with costs, of such toll gatherer if he neglects or refuses to make such payment.

SECT. 146. Every toll gatherer, who at any such gate shall unreasonably hinder or delay any traveler or passenger, or shall demand and receive from any person more toll than by law he is authorized to collect, shall, for each offense, forfeit the sum of five dollars to the person aggrieved.

SECT. 147. Whenever a judgment is obtained against a toll gatherer for a penalty, or for damages for acts done or omitted to be done by him in his capacity of toll gatherer, and goods and chattels of the defendant to satisfy such judgment, cannot be found, it shall be paid by the corporation whose officer he shall be; and if on demand, payment is refused by such corporation, the amount of such judgment may be recovered, with costs, of such corporation.

SECT. 148. It shall be the duty of the directors of every such company, to affix and keep up, at or over each gate, in a conspicuous place, so as to be conveniently read, a printed list of the rates of toll demandable at such gate.

SECT. 149. Each toll gatherer may detain and prevent from passing through his gate, all persons riding, leading, or driving animals or carriages subject to toll, until they have paid respectively the tolls authorized by law.

SECT. 150. Any such corporation is liable for all damages that may be sustained by any person, in consequence of neglect or omission to keep such road in good condition and repair.

SECT. 151. Whoever willfully obstructs, breaks, injures or destroys any road constructed under the provisions of this title, or any work, building, fixture, or toll gate attached to, or in use upon the same, belonging to said company, shall, for every such offense be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

SECT. 152. Whoever forcibly or fraudulently passes any toll gate erected on such road, in pursuance of this title, without having paid the legal toll, and whoever shall, with his carriage or horse, or other vehicle or animal liable to toll, turn out of such road or pass any gate thereon, or ground adjacent thereto, and enter again in such road, to avoid the payment of legal toll, shall, for each offense, be liable to a fine not exceeding ten dollars.

SECT. 153. Every company incorporated under this title, shall cease to be a body corporate:

1. If within two years from the filing of their articles of association, they shall not have commenced the construction of their road, and actually expended thereon, at least ten per cent. of the capital stock of such company, and

2. If within five years from such filing of the articles of association, such road shall not be completed according to the provisions of this title.

SECT. 154. All companies formed under this title, shall at all times be subject to visitation and examina-

tion by the legislature or by a committee appointed by either house thereof, or by any agent or officer in pursuance of law; and the legislature may at any time establish rules and regulations for the government of any such corporation in relation to such road, the use of the same, and rates of tolls to be collected thereon; and may alter, amend or repeal this title, or may annul and disfranchise any corporation formed or created under the same.

Title VII is made Title VIII.

SECT. 123 is numbered Sect. 155, and the balance re-numbered to correspond.

CHAPTER XXXV.

In title *strike out* "Charitable Institutions," and "Title I."

"Title II" was enacted by the Legislature as a separate chapter entitled

CHAPTER XXXV.

Thus making *two* chapters 35.

Sect. 17 is numbered Sect. 1, and the rest re-numbered to correspond.

SECT. 17. In line 3, *strike out* "and" after "Deaf," and *insert* and Blind, after "Dumb," in line 4.

SECT. 18. In line 2, for "five" read seven. In line 4, for "three," read five. In line 7, *strike out* "and" and after "years" *insert* one for a term of four years and one for a term of five years. In line 9, for "three," read five. In line 12 for "three," read five.

SECT. 20. In line 8, for "Three," read Four.

SECT. 25. Add at end of section 25 the following:

upon the certificate of the judge of probate of the county where such parties reside, or the inability of the parents or friends of such person to defray the expenses of such instruction; and in all other cases, such persons shall be received and instructed upon such terms as the directors shall prescribe.

CHAPTER XXXVII.

Strike out whole chapter and *insert* the following:

SECTION 1. There is established at Winona, in this State, an institution to educate and prepare teachers for teaching in the common schools of this State, called the First State Normal School.

SECT. 2. There shall be established at Mankato, in this State, an institution to educate and prepare teachers for teaching in the common schools of this State, called the Second State Normal School.

SECT. 3. There shall be established at St. Cloud, in this State, an institution to educate and prepare teachers for teaching in the common schools of this State, called the Third State Normal School.

SECT. 4. Whenever the sum of five thousand dollars in money, is donated to the State, for the erection of the necessary buildings, and the support of the professors or teachers in the Second State Normal School, a like sum of five thousand dollars is hereby appropriated for the use and benefit of such institution, and said sum shall be paid, on the order of the proper officer, out of any money in the treasury not otherwise appropriated, but no part of such named sum shall be drawn or paid out of the treasury until after the first of April, 1867.

SECT. 5. Whenever the sum of five thousand dollars in money is donated to the State for the erection of the necessary buildings and support of the professors or teachers in the Third State Normal School, a like sum of five thousand dollars is hereby appropriated for the use and benefit of such institution, and said sum shall be paid on the order of the proper officer, out of any money in the treasury not otherwise appropriated, but no part of such last named sum shall be drawn or paid out of the treasury until after the second day of August, eighteen hundred and sixty-eight.

SECT. 6. Whenever the said sums of five thousand dollars are donated, as aforesaid, to the State for the second and third State Normal Schools respectively, neither the Legislature nor the Normal board shall have power to remove said Normal Schools or either of them from their original location during the period of ten years thereafter, without consent of the donors of said respective sums, but if said respective sums of five thousand dollars are not donated as aforesaid for said second and third Normal Schools, or either of them, within three years from the date of the passage of this act, the Normal board may locate a second State Normal School at some place other than Mankato, and a third State Normal School at some place other than St. Cloud; *Provided*, That such location shall not be made at any place that has not donated to the State the sum of five thousand dollars, upon the conditions aforesaid.

SECT. 7. The State Normal Board of Instruction consists of six directors, one from each judicial district, and the State Superintendent of Public Instruction, who is ex-officio a member thereof, and is secretary of said board. The directors elected from the even numbered judicial districts in eighteen hundred and sixty-six, shall hold their offices until the first Tuesday of February, eighteen hundred and seventy, and those elected from the odd numbered judicial districts, shall hold their offices until the first Tuesday of February, eighteen hundred and sixty-eight, when their successors shall be elected by the Legislature, and thereafter the Legislature shall biennially elect three directors to fill vacancies created by this act. The Legislature shall from time to time fill all vacancies that may arise by death, resignation, removal from the State or otherwise; *Provided*, That the Normal Board shall have power to fill any vacancy occurring during the recess of the Legislature until its next meeting.

SECT. 8. Each director of the Normal Board, before entering upon the duties of his office, shall take and subscribe an oath to support the Constitution of the United States, and of the State of Minnesota, and faithfully to execute the trust and discharge the duties of his office. They shall hold their offices for four years, except as otherwise provided. The Normal Board shall elect one of their number President, who shall continue in office two years and until his successor is chosen; and they shall appoint some suitable person as Treasurer, who shall hold his office for one year, but may be removed at any time, at the pleasure of the board. The Treasurer, before entering upon the duties of his office, shall give a bond to the State of Minnesota, in the penal sum of five thousand dollars faithfully to execute and discharge the duties of his office.

SECT. 9. The State Normal Board are authorized and empowered to contract for the erection of all buildings connected with the State Normal Schools, to appoint all professors or teachers in such institutions, to prescribe the course of study and the pre-requisites for admission, and in general to adopt all needful rules for the government of said schools. The said Board shall also select sites for the second and third State Normal Schools, at the town, village or city where they are located by this act, having due regard to healthfulness and beauty of situation, to accessibility and general convenience, and the wishes of donors, who may make munificent donations, conditioned upon a particular site.

SECT. 10. The Normal Board are authorized annually to appoint for each Normal School a prudential committee, consisting of three persons, one of whom shall be a member of said board. Said prudential committee shall have the general oversight and management of the prudential affairs of the State Normal Schools, subject to the order of the board, to whom they shall each make a detailed report of their doings, and of the condition and wants of the particular institution committed to their care.

SECT. 11. There shall be no charge for tuition to persons who may be admitted to the privileges of the State Normal Schools, and who shall engage to become teachers of the public schools of the State for such times and on such conditions as shall be prescribed by the Normal Board. All students after passing through the regular course of study prescribed for the Normal Schools, shall be entitled to receive an examination as to their qualification to teach in the common schools of this State, by the principal of the Normal School, and if after such examination, the student so examined shall be deemed qualified to teach in said common schools, a diploma shall be given to said student signed by the Principal of the Normal School and President of the Normal School Board, and such diploma shall be a certificate of qualification to teach in any of the common schools of this State, for the period of five years from its date, unless sooner cancelled by said board for cause. The said certificate may be renewed from time to time, in the discretion of said board.

SECT. 12. The Normal Board, through the State Superintendent, shall before the fifteenth day of January, annually, make a full and accurate report to the Governor of the receipts and expenditures of the preceding year, which report shall contain a full and correct description of each item, from what source received, on what account expended, and of the financial condition of each Normal School on the first day of January of each year; and the said report shall, by the Governor be transmitted to the Legislature. The said Normal Board shall also, through the State Superintendent, make a detailed report to the Governor, of the condition, success and progress of the State Normal Schools.

SECT. 13. The Normal Directors, with the State Superintendent, shall be the special visitors of the Normal Schools, and they together, or by one or more of their number, or by some competent person or persons of their appointment, shall visit and examine such schools at least two days each session, for ascertaining the mode of instruction and the progress of the pupils, and for promoting the best welfare of such institution and of the common schools of the State.

SECT. 14. Nothing herein contained shall impair or annul any right or obligation existing in behalf of or against the State of Minnesota in relation to the State Normal School at Watona.

CHAPTER XXXVIII.

SECT. 5. After "title," in line 3, *insert*, He shall cause books to be opened and records

kept of all lands owned and held in trust by the State, for schools, public buildings, internal improvements, and for all other purposes, and shall keep a true record of all patents, deeds, and conveyances of such lands, made by the State; which record, or a transcript therefrom, properly authenticated, shall be received as legal evidence in all courts and places within the State. He shall also certify upon such instrument recorded by him, the book and page where the same is recorded.

SECT. 15. In line 16, for "two," *read* three.

CHAPTER XXXIX.

SECT. 7. Add at end of section 7 the following:

Provided, That nothing in this chapter contained shall deprive the mortgagee of his remedy by sale, in cases where such sale is authorized by the mortgage.

CHAPTER XL.

After section 27 *insert* new section, as follows:

SECT. 28. The record, as herein provided, of any instrument properly recorded, shall be taken and deemed notice to parties.

Section 28 is numbered section 29, and the balance re-numbered to correspond.

CHAPTER XLII.

SECT. 1. In line 2, for "county," *read* district.

CHAPTER XLIII.

SECT. 11. In line 10 *strike out* "the last preceding," and after "chapter," *insert* forty-five.

CHAPTER XLVI.

SECT. 1. In line 18, before "life," *insert* natural.

CHAPTER XLVII.

SECT. 1. Add at end of section the following:

Provided, That no such will, alteration or revocation, shall be of any validity without the consent of the husband of such married woman, in writing, annexed to such will, alteration or revocation, and attested and subscribed, and to be proven and recorded in like manner as a last will and testament is required to be witnessed, proven and recorded.

CHAPTER LXI.

SECT. 7. *Strike out* whole section and *insert* the following:

SECT. 7. Previous to persons being joined in marriage, a license shall be obtained from the clerk of the district court, in the county in which the female resides, or if not a resident of this State, then from the clerk of the district court of the county where the marriage is to take place in this State; but if there shall be no such clerk in the county where such female resides, or where the marriage is to be solemnized, then no such license shall be required.

SECT. 8. The clerk of the district court as aforesaid, may inquire of the party applying for marriage license as aforesaid, upon oath or affirmation, relative to the legality of such contemplated marriage, and if the clerk shall be satisfied that there is no legal impediment thereto, then he shall grant such marriage license, and shall make a record thereof; and if any persons intending to marry shall be under age, and shall not have had a former wife or husband, the consent of the parents or guardians shall be personally given before the clerk, or certified under the hand of such parent or guardian, attested by two witnesses, one of whom shall appear before said clerk and make oath or affirmation that he saw said parent or guardian subscribe, or heard him or her acknowledge the same; and said clerk is hereby authorized to administer such oath or affirmation, and thereupon issue and sign such license, and affix thereto the seal of the court. The clerk shall be entitled to receive as his fee for administering the oath and granting the license with the seal affixed thereto, recording the certificate of marriage and filing the necessary papers, the sum of two dollars; and if any clerk shall in any other manner issue or sign any marriage license, he shall forfeit and pay a sum not exceeding one thousand dollars to and for the use of the parties aggrieved.

CHAPTER LXII.

SECT. 6. In line 6, for "Impotency," *read* Impotency. In line 13, after "space," *insert* of.

TITLE II.

The whole title was struck out by the legislature.

CHAPTER LXIV.

SECT. 5. In lines 10 and 11, *strike out* "when requested as aforesaid."

SECT. 18. In line 3, after "Pine," *insert* and; in same line *strike out* "Saint Louis, Carlton, Lake and Itasca."

SECT. 21. In line 1, after "Wright," *insert* McLeod, Lincoln. In lines 2, 3, 4 and 5, *strike out* "Sherburne, Benton, Morrison, Crow Wing, Aiken, Cass, Pembina, Polk, Becker, Clay, Andy Johnson, Otter Tail, Wadena, Mille Lacs, Todd, Douglas, Pope, Stevens, Traverse, Stearns."

SECT. 23. In line 2, *strike out* "McLeod, Lincoln."

After section 23 *insert* new section, as follows:

SECT. 24. The counties of Stearns, Sherburne, Benton, Morrison, Crow Wing, Aiken, Cass, Douglas, [Todd], Mille Lacs, Polk, Stevens, Traverse, Pembina, Clay, Andy Johnson, Otter Tail, Wadena, Becker, Pope, Saint Louis, Carlton, Itasca and Lake, constitute the Seventh Judicial District.

Section 24 is numbered 25, and amended by *striking out* lines 11 and 12, and adding in line 10 the following: and the first Tuesday in May.

Section 25 is numbered 26.

Section 26 is numbered 27. In line 2 *strike out* "second Monday in March," and *insert*, fourth Monday in April. In line 7, before "Monday," for "first," *read* second.

Section 27 is numbered 28. *Strike out* lines 7 and 8, and *insert* at end of line 6, and the third Tuesday in March. *Strike out* lines 11 and 12, lines 15 and 16, lines 18, 19, 20 and 21, and *insert* after line 17, in the county of McLeod on the third Tuesday in September.

Section 28 is numbered 29. In line 5, after "March," *insert*, and the third Monday in September.

Section 29 is numbered 30. In line 6, for "July," *read* October. In line 13, for "second," *read* first. *Strike out* "after the first Monday." In line 14, for "third," *read* first.

Insert new section as follows:

SECT. 81. In the Seventh Judicial District, in the county of Stearns, on the second Tuesday in April, and the first Tuesday in October. In the county of Morrison on the first Tuesday in September. In the county of Sherburne on the first Tuesday in May. In the county of Benton on the third Tuesday in September. In the county of Crow Wing on the first Tuesday in August. In the county of Douglas on the third Tuesday in October. In the county of Mille Lacs, biennially, on the first Tuesday in June. In the county of Saint Louis, biennially, on the first Tuesday in August.

Section 30 is numbered 32.

Section 31 is numbered 33. In line 7, for "counties," *read* county. In same line *strike out* "Mille Lacs and." In line 8, for "are," *read* is. In line 9 *strike out* "Douglas." In line 18 *strike out* "Watowan." In line 19, after "Brown," *insert*, and the county of Watowan is attached to the county of Blue Earth. In line 22, *strike out* "and," after "Martin," and after "Brown," *insert*, and Blue Earth.

CHAPTER LXV.

SECT. 4. At end of section *insert*, but no justice of the peace shall charge the jury.



SECT. 21. *Strike out* all after "thereafter," in line 3, and *insert*, not exceeding one week, as the justice may appoint, for the convenience of the parties, and by their consent.

SECT. 34. After party, in line 2, *insert*, shall adjourn the case for not exceeding one week, or may upon application. In same line, after "oath," *strike out* "may." In line 3, after "any," *insert* further. In line 4, for "for the," *read* of.

SECT. 55. At end of section *insert*:
Provided, That upon consent of both parties entered on the record, a jury of six may be ordered by the justice, and in such case a list of eighteen names shall be made, from which each party may strike six, and the said jury shall be selected, empaneled and summoned as provided in this section.

SECT. 129. *Strike out* all after line 3 to and including line 16.

CHAPTER LXVI.

SECT. 11. *Strike out* section and *insert*:

SECT. 11. Every action to foreclose a mortgage upon real estate, shall be commenced within twenty years after the cause of action accrues.

SECT. 47. In line 1, for "shall," *read* may. In line 2, *strike out* all after "or," to and including "county," in line 4, and *insert*, by any other person not a party to the action.

SECT. 48. In connection with this section may be noticed the following act, approved February 28th, 1866.

A BILL for an act to provide for the service of mesne process upon foreign corporations.

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

SECTION 1. That the summons in any civil action or proceeding wherein a foreign corporation is defendant may be served by delivering a copy thereof to the President, Secretary or any managing or general agent of said foreign corporation, and such service shall be of the same force, effect and validity as like service upon domestic corporations.

SECT. 2. This act shall have full force and effect notwithstanding any provisions of the general statutes, or other law of the State inconsistent herewith and shall be published with and as a part of the General Statutes.

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

SECT. 51. *Strike out* in line 2, "nor received by him through the post office."

SECT. 53. In line 5, after "or," *insert*, if by any other person his affidavit thereof or.

SECT. 84. In line 2, for "defense," *read* counter claim.

SECT. 87. In line 3, for "or," *read* and. In line 10, *strike out* all after "if," to and including "party," in line 18, and *insert*:

the party making such pleading is absent from the county where the attorney resides, or for some cause is unable to verify it; and shall be to the effect that the same is true to the best of his knowledge, information and belief.

In line 21 *strike out*, "any person acquainted with the facts," and *insert*, the Attorney General.

SECT. 171. In line 10, for "sixty-four" *read* sixty-three.

SECT. 192. In line 23, for "last," *read* house of the.

SECT. 255. At end of section *add*:

Satisfaction of a judgment docketed upon transcript shall be noted on such docket, upon filing in the office of the clerk of the district court of the county where such transcript is filed, a certified copy of the instrument of satisfaction on file in the office of the clerk of the district court of the county where the judgment was recovered. Whenever a judgment is satisfied, it is the duty of the clerk of the district court to give certified copies of instruments of satisfaction.

SECT. 279. *Strike out* whole section and *insert*:

SECT. 279. No property hereinafter mentioned or represented shall be liable to attachment or sale on any final process issued from any court in this State:

First.—The family bible.

Second.—Family pictures, school books or library, and musical instruments for use of family;

Third.—A seat or pew in any house or place of public worship;

Fourth.—A lot in any burial ground;

Fifth.—All wearing apparel of the debtor and his family, all beds, bedsteads and bedding, kept and used by the debtor and his family; all stoves and appendages put up or kept for the use of the debtor and his family; all cooking utensils, and all other household furniture not herein enumerated, not exceeding five hundred dollars in value;

Sixth.—Three cows, ten swine, one yoke of oxen, and a horse, or in lieu of one yoke of oxen and a horse, a span of horses or mules, twenty sheep, and the wool from the same, either in the raw material or manufactured into yarn or cloth; the necessary food for all the stock mentioned in this section, for one year's support, either provided or growing, or both, as the debtor may choose; also, one wagon, cart or dray, one sleigh, two plows, one drag, and other farming utensils, including tackle for teams, not exceeding three hundred dollars in value;

Seventh.—The provisions for the debtor and his family necessary for one year's support, either provided, or growing, or both, and fuel necessary for one year;

Eighth.—The tools and instruments of any mechanic, miner or other person, used and kept for the purpose of carrying on his trade, and in addition thereto, stock in trade not exceeding four hundred dollars in value; the library and implements of any professional man; all of which articles hereinbefore intended to be exempt, shall be chosen by the debtor, his agent, clerk or legal representative, as the case may be.

SECT. 285. In line 5, for "six," *read* ten.

SECT. 299. In line 9, after "debtor," *insert*, or if a corporation, any officer thereof. In line 10, after "his," *insert*, or its.

CHAPTER LXVIII.

Strike out whole chapter and *insert* the following:

SECTION 1. That a homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon, and its appurtenances, to be selected by the owner thereof, and not included in any incorporated town, city, or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within an incorporated town, city, or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this State, shall not be subject to attachment, levy or sale upon execution or any other process, issuing out of any court within this State. This section shall be deemed and construed to exempt such homestead in the manner aforesaid, during the time it shall be occupied by the widow, or minor child or children of any deceased person who was, when living, entitled to the benefits of this act.

SECT. 2. Such exemption shall not extend to any mortgage thereon, lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same, unless such mortgage shall be given to secure the payment of the purchase money, or some portion thereof.

SECT. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof, within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

SECT. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expense of such survey shall be chargeable on the execution and collected thereupon.

SECT. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds, according to the certificate of the survey, the quantity set off as aforesaid.

SECT. 6. Any person owning and occupying any house on land not his own, and claiming said house as a homestead, shall be entitled to the exemption aforesaid.

SECT. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

As the Legislature refused to repeal chapter 95 of the laws of 1860, that act remains in force, and is as follows:

SECTION 1. That the owner of a homestead under the laws of this State, may remove therefrom, or sell and convey the same, and such removal or sale and

conveyance shall not render such homestead liable or subject to forced sale on execution or other process hereafter issued on any judgment or decree of any court of this State or of the District Court of the United States for the State of Minnesota against such owner; nor shall any judgment or decree of any such court be a lien on such homestead for any purpose whatever; *Provided*, That this act shall not be so construed as in any manner to relate to judgments or decrees rendered on the foreclosure of mortgages either equitable or legal.

CHAPTER LXIX.

Strike out section 1 and *insert* the following:

SECTION 1. All property owned by any woman at the time of her marriage, and all property which comes to her by descent after marriage, and the rents, profits and increase thereof, shall be held by her free from the debts of her husband, to her sole and separate use, the same as though she were femme sole, but shall not be disposed of by her without the consent of her husband, unless the right to do so is reserved to her in and by a contract between herself and husband, executed prior to the marriage. A schedule of the property owned by a married woman at the time of her marriage, shall be recorded in the office of the register of deeds of the county where she resides, within six months after said marriage, and shall constitute notice of such separate property to the creditors of the husband; such record shall be necessary in order to preserve such separate rights of property as against creditors of the husband. In case of marriages outside of the State, and the parties coming into the State to reside, a schedule of the property of the wife shall be filed in the office of the register of deeds of the county where the parties reside, within six months after such removal to this State; and the wife shall hold said property as provided in this section.

SECT. 2. In line 6, after "husband," *insert*, such conveyance containing a power of disposition by deed, will, or otherwise. In line 7, for "registry," *read* office of the register.

SECT. 3. In line 8, after "same," *insert* except as provided in section one.

SECT. 5. In line 6, after "unmarried," *insert*:

upon petition on oath to the judge of probate of the county where she resides, setting forth the fact of such abandonment or neglect, and obtaining a license from such judge of probate to engage in said business, which license shall be granted whenever said judge of probate is satisfied from an examination on oath of the applicant or other person produced before him, of such neglect or abandonment.

In line 8, after "binding," *insert*, on her. After section 6, *add* new sections, as follows:

SECT. 7. Nothing in this chapter shall be construed so as to subject the property now held by any married woman to the debts of her husband, but the same shall continue to be held as heretofore, as her sole and separate property, exempt from any liability for the debts of her husband.

SECT. 8. Any married woman now having any money or capital invested in any business in this State, may continue to use such money or capital in such business, and may have, use and enjoy the income and profits from such business, and may reinvest the same in such business at her option; and no such money or capital or income, or profits thereon, shall be liable for the debts of the husband, but the same shall remain the separate property of such married woman, the same in all respects as if she were femme sole.

SECT. 9. The schedule of property hereinbefore referred to shall be recorded as aforesaid in a separate book to be kept for that purpose.

CHAPTER LXX.

SECT. 9. *Strike out* whole section and *insert*:

Witnesses for the State in criminal cases before any court of record, shall receive for such attendance, one dollar for each day, and the judges of the district court may in their discretion allow fees to witnesses attending in criminal proceedings on behalf of the defendant, which shall not exceed the fees allowed by law in civil actions. Such allowances shall be certified by the clerk of the court, and paid in the same manner that jurors are paid.

SECT. 10. In line 4, for "fifteen," *read* ten. In line 6, for "seventy-five," *read* fifty. In line 11, *strike out* "levied on real estate." In line 12, for "service," *read* levy. *Strike out* "and." in line 14, and all of lines 15, 16, 17 and 18. In line 30, for "four," *read* three, and before "notices," *insert* such. In line 40, for "five," *read*

three. In lines 71 and 72, *strike out* "levied upon real estate." In line 78, *strike out* "as in service of a summons," and *insert*, at fifteen cents per mile for the number of miles necessarily traveled in summoning the panel. In line 82, for "from," *read*, for. In line 85, for "five," *read* three. In line 95, for "fifty," *read* twenty-five.

SECT. 13. After "by," in line 2, *insert*, the sheriff or.

SECT. 15. In line 23, for "and," *read* or.

SECT. 24. In line 5, for "seven," *read* ten. In line 12, for "six," *read* ten. In line 13, for "three," *read* five.

At end of section, *add* :

For an abstract of title, twenty-five cents for every transfer, and fifty cents for his certificate.

SECT. 27. In line 2, for "one dollar and fifty cents," *read* two dollars. In lines 8 and 9, for "one dollar," *read* fifty cents.

SECT. 28. In line 1, *strike out* "other." In line 4, for "forty," *read* seventy-five. In line 5, for "twenty-five," *read* thirty-five.

CHAPTER LXXII.

SECT. 1. In line 70, for "person," *read* one.

SECT. 8. In line 2, *strike out* "and their deputies." In line 3, for "notary publics," *read* notaries public, and after "deeds," *insert* and. In lines 4 and 5, *strike out* "county auditors and their deputies, county treasurers and their deputies."

CHAPTER LXXIII.

SECT. 8. In line 10, for "indorsee," *read* indorser.

SECT. 35. In line 1, after "All," *insert* oaths or.

CHAPTER LXXVII.

SECT. 27. In line 9, after "property," *insert*, so.

SECT. 28. In line 2, for "claimed," *read* aliened.

CHAPTER LXXXVIII.

SECT. 1. At end of section *add* :

Provided, That when no other provision is made by law it shall run to the State of Minnesota.

CHAPTER LXXXVI.

SECT. 9. In line 3, *strike out* "damages."

CHAPTER LXXXVIII.

SECT. 14. At end of section, *add* :

Provided, That if such party is dead or absent from the State, such notice shall be served by filing the same with the clerk of the court where the action is pending.

CHAPTER XC.

SECT. 5. In line 3, for "sum," *read* same.

SECT. 6. In line 10, after "manner," *insert* as.

SECT. 13. In line 1, for "subsequent," *read* subject.

CHAPTER C.

SECT. 3. In line 1, after "shall," *insert* not.

CHAPTER CV.

SECT. 16. In line 4, after "been," *insert* brought.

CHAPTER CVII.

SECT. 20. In line 2, for "punable," *read* punishable.

CHAPTER CXX.

SECT. 17. In line 12, for "treasury," *read* treasurer.

CHAPTER CXXII.

Under title "one thousand eight hundred and fifty-four," in clause beginning "Chapter 8," for "fifty-eight," *read* fifty-two.

Under title "one thousand eight hundred and fifty-five," for "Chapter 54," *read* Chapter 64.

Under title "one thousand eight hundred and fifty-seven, regular session," *strike out* :

"CHAPTER 6. An act to authorize the construction of a mill dam or dams in township No. one hundred and two, north of range No. twenty-one, and townships No. one hundred and two and one hundred and three, north of range No. twenty-two, all west of the fifth principal meridian."

Under title "one thousand eight hundred and fifty-eight," *strike out* :

"CHAPTER 31. An act to authorize the Regents of the University of Minnesota to borrow money."

Under title "one thousand eight hundred and fifty-eight, special laws," for "Chapter 205," *read* Chapter 225.

Under title "one thousand eight hundred and sixty," *strike out* :

"CHAPTER 30. An act to amend an act entitled an act to provide for the establishment of State Normal Schools, approved August second, one thousand eight hundred and fifty-eight."

For "Chapter 57," *read* Chapter 58.

Also *strike out* :

"CHAPTER 95. An act to amend an act entitled an act for a homestead exemption, passed August twelfth, one thousand eight hundred and fifty eight."

Under title "one thousand eight hundred and sixty-one," for "chapter 44," *read* chapter forty-five.

Under title "one thousand eight hundred and sixty-three," for "chapter 45," *read* chapter 46; for "chapter 46," *read* chapter 47; for "chapter 47," *read* chapter 48; and for "chapter 48," *read* chapter 49.

Under title "one thousand eight hundred and sixty-four," between "chapter 28" and "chapter 30," *insert* :

CHAPTER 29. An act to repeal an act entitled an act to regulate the fees of clerks of district courts, approved March 10, 1860."

Under title "one thousand eight hundred and sixty-five," between "chapter 25" and "chapter 28," *insert* :

CHAPTER 26. An act to repeal chapter 29 of General Laws of eighteen hundred and sixty-three, and chapter 32 of the General Laws of eighteen hundred and sixty-four, relating to indictments and presentments by grand juries, and to restore the provisions of law thereby repealed.

Under same title, between "chapter 34" and "chapter 43," *insert* :

CHAPTER 41. An act to continue the operation of the joint resolution relative to the taking of the soldiers' votes, approved March fifth, eighteen hundred and sixty-three.

Under same title, for "chapter 65" *read* chapter 66.

Under title "one thousand eight hundred and sixty-five, Special Laws," before "chapter 83," *insert* :

CHAPTER 70. An act fixing the compensation of the county treasurer of Ramsey County, for the collection of taxes.

Add new section, as follows :

SECTION 2. Nothing in this act contained shall be construed as affecting or changing the location of any county seats, but such county seats shall remain and continue as established by existing laws.

