

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY

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OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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THE LEGISLATURE.

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TITLE I.

APPORTIONMENT.

*§ 1. **Number of members of each house.** That for the next legislature, and thereafter until a new apportionment shall have been made, the senate of this state shall be composed of forty-one members, and the house of representatives shall be composed of one hundred and six members. (1871, c. 20, § 1.)

*§ 2. **Senatorial and Representative districts.** That the representation in the senate and house of representatives be apportioned throughout the state in forty-one senatorial and representative districts, to wit:

1. The first district shall be composed of the county of Houston, and shall be entitled to elect one senator; and the towns of La Crescent, town and village of Hokah, Mound Prairie, Union and Maysville, in said county, shall be entitled to elect one representative; and the towns and village of Browns-ville, Crooked Creek, Jefferson, and Winnebago, in said county, shall be entitled to elect one representative; and the towns and village of Caledonia, Wilmington and Spring Grove, in said county, shall be entitled to elect one representative; and the towns of Black Hammer, Yucatan, Sheldon, Houston and Money Creek, in said county, shall be entitled to elect one representative.

2. The second district shall be composed of the city of Rushford, and the towns of Arendahl, Rushford, Carrollton, Holt, Norway, Preston, Amherst, Preble, Harmony, Canton and Newburg, in the county of Fillmore, and shall be entitled to elect one senator and three representatives.

3. The third district shall be composed of the towns of Sumner, Jordan, Chatfield, Pilot Mound, Spring Valley, Fillmore, Fountain, Bloomfield, Forestville, Carimona, Beaver, York and Bristol, in the county of Fillmore, and shall be entitled to elect one senator; and the towns of Pilot Mound, Chatfield, Jordan and Sumner, in said county, shall be entitled to elect one representative; and the towns of Spring Valley, Fillmore, Fountain and Carimona, in said county, shall be entitled to elect one representative; and the towns of Bloomfield, Forestville, Beaver, York and Bristol, in said county, shall be entitled to elect one representative.

4. The fourth district shall be composed of the county of Mower, and shall be entitled to elect one senator and two representatives.

5. The fifth district shall be composed of the county of Freeborn, and shall be entitled to elect one senator and two representatives.

6. The sixth district shall be composed of the county of Faribault, and shall be entitled to elect one senator and two representatives.

7. The seventh district shall be composed of the towns of Saratoga, Elba, Norton, Hart, St. Charles city and town, Whitewater, Utica, Warren, Mt.

And § 2, subd. 27. See 1881, Supp't, p. 6.
 *§ 1, 2. See 1881 Supp't, pp. 5, 6, 7, 8.

Vernon and Fremont, in Winona county, and shall be entitled to elect one senator and two representatives.

8. The eighth district shall be composed of the towns of Rollingsstone, town of Winona, Pleasant Hill, New Hartford, Hillsdale, City of Winona, Wilson, Homer, Dresbach, Wiscoy and Richmond, in Winona county, and shall be entitled to elect one senator and three representatives.

9. The ninth district shall be composed of the village and towns of High Forest, Rock Dell, Viola, Marion, Eyota, Pleasant Grove, Orion, Quincy, Dover and Elmira, in the county of Olmsted, and shall be entitled to elect one senator and two representatives.

10. The tenth district shall be composed of the towns of New Haven, Oronoco, Kalmer, Cascade, Salem, Farmington, Haverhill, and town and city of Rochester, in the county of Olmsted, and shall be entitled to elect one senator and two representatives.

11. The eleventh district shall be composed of the county of Dodge, and shall be entitled to elect one senator; and the towns of Canisteo, Mantorville, Milton and Vernon, in said county, shall be entitled to elect one representative, and the towns of Ashland, Claremont, Concord, Ellington, Hayfield, Ripley, Wasioja and Westfield, in said county, shall be entitled to elect one representative.

12. The twelfth district shall be composed of the county of Steele, and shall be entitled to elect one senator; and the city of Owatonna and the towns of Owatonna, Medford, Clinton Falls and Merton, in said county, shall be entitled to elect one representative; and the towns of Deerfield, Meriden, Lemond, Berlin, Somerset, Summit, Oak Glen, Aurora and Havana, in said county shall be entitled to elect one representative.

13. The thirteenth district shall be composed of the county of Waseca, and shall be entitled to elect one senator and two representatives.

14. The fourteenth district shall be composed of the county of Blue Earth, and shall be entitled to elect one senator and five representatives.

15. The fifteenth district shall be composed of the county of Wabasha, and shall be entitled to elect one senator; and the towns of Lake City, West Albany, Glasgow and Pepin, in said county, shall be entitled to elect one representative; and the towns of Wabasha, Greenfield, Watopa, Minneiska, and the village of Reed's Landing, in said county, shall be entitled to elect one representative; and the towns of Sherman, Highland, Elgin and Plainview, in said county, shall be entitled to elect one representative; and the towns of Mount Pleasant, Chester, Guilford, Mazeppa, Hyde Park and Zumbro, in said county, shall be entitled to elect one representative.

16. The sixteenth district shall be composed of the towns of Red Wing, Burnside, Grant, Featherstone, Hay Creek, Florence, Wacouta, Central Point, Belvidere and Goodhue, in the county of Goodhue, and shall be entitled to elect one senator; and the town of Red Wing, in said county, shall be entitled to elect one representative; and the towns of Grant, Burnside, Featherstone, Hay Creek, Florence, Wacouta, Central Point, Belvidere and Goodhue, in said county, shall be entitled to elect one representative.

17. The seventeenth district shall be composed of the towns of Vasa, Cannon Falls, Lillian, Warsaw, Leon, Belle Creek, Holden, Wanamingo, Minneola, Zumbrota, Pine Island, Roscoe, Cherry Grove and Kenyon, in the county of Goodhue, and shall be entitled to elect one senator; and the towns of Belle Creek, Minneola, Zumbrota, Pine Island and Roscoe, in said county, shall be entitled to elect one representative; and the towns of Wanamingo, Holden, Cherry Grove and Kenyon, in said county, shall be entitled to elect one representative; and the towns of Leon, Warsaw, Lillian, Cannon Falls and Vasa, in said county, shall be entitled to elect one representative.

18. The eighteenth district shall be composed of the county of Rice, and shall be entitled to elect one senator and five representatives.

19. The nineteenth district shall be composed of the county of Le Sueur, and shall be entitled to elect one senator and three representatives.

20. The twentieth district shall be composed of the county of Dakota, and shall be entitled to elect one senator and five representatives.

21. The twenty-first district shall be composed of the county of Scott, and shall be entitled to elect one senator; and the towns of Belle Plaine, St. Lawrence, Sand Creek and Helena, in said county, shall be entitled to elect one representative; and the towns of Cedar Lake, Credit River, Eagle Creek, Glendale, Newmarket, Shakopee City, Jackson, Louisville and Spring Lake, in said county, shall be entitled to elect one representative.

22. The twenty-second district shall be composed of the county of Washington, and shall be entitled to elect one senator; and the towns of Afton, Cottage Grove, Denmark, Lakeland, Newport and Woodbury, shall be entitled to elect one representative; and the towns of Baytown, Grant, Cakdale, Marine and Stillwater town, shall be entitled to elect one representative; and Stillwater City shall be entitled to elect one representative.

23. The twenty-third district shall be composed of the first, second and third wards of the city of St. Paul, in the county of Ramsey, and shall be entitled to elect one senator; and the first and second wards of said city of St. Paul shall be entitled to elect one representative; and the third ward of said city of St. Paul shall be entitled to elect one representative.

24. The twenty-fourth district shall be composed of the fourth and fifth wards of the city of St. Paul, and the towns of McLean, Mound View, New Canada, Reserve, Rose and White Bear, in Ramsey county, and shall be entitled to elect one senator; and the fourth ward of the said city of St. Paul shall be entitled to elect one representative; and the fifth ward of said city of St. Paul shall be entitled to elect one representative; and the towns of McLean, Mound View, New Canada, Reserve, Rose and White Bear, of said county, shall be entitled to elect one representative.

25. The twenty-fifth district shall be composed of that part of Hennepin county that lies east of the Mississippi river, and the counties of Anoka and Isanti, and shall be entitled to elect one senator and two representatives.

26. The twenty-sixth district shall be composed of the third and fourth wards of the city of Minneapolis, in the county of Hennepin, and the towns of Minneapolis, Richfield, Bloomington, Eden Prairie, Excelsior, Minnetonka, Medina, Minnetrista, Plymouth and Independence, in said county, and shall be entitled to elect one senator and four representatives.

27. The twenty-seventh district shall be composed of the first and second wards of the city of Minneapolis, and the towns of Brooklyn, Champlin, Corcoran, Crystal Lake, Dayton, Greenwood, Hassan and Maple Grove, in said county, and shall be entitled to elect one senator and three representatives.

28. The twenty-eighth district shall be composed of the counties of Chisago, Pine, Kanabec and Aitkin, and shall be entitled to elect one senator and one representative.

29. The twenty-ninth district shall be composed of the counties of Lake, Itasca, Carlton, Cass and St. Louis, and shall be entitled to elect one senator and one representative.

30. The thirtieth district shall be composed of the counties of Sherburne, Benton, Morrison, Crow Wing and Mille Lacs, and shall be entitled to elect one senator and one representative.

31. The thirty-first district shall be composed of the county of Stearns, and shall be entitled to elect one senator; and the towns of St. Cloud city, St. Cloud town, St. Augusta and Lyndon, shall be entitled to elect one represent-

ative; and the towns of Munson, Oak, Albany, Avon, Holding, Brockway, St. Wendel, Le Sauk and St. Joseph, shall be entitled to elect one representative; and the towns of Fair Haven, Maine Prairie, Rockville, Wakefield, Luxemburg, Eden Lake, Paynesville, Zion and Lake Henry, shall be entitled to elect one representative; and the towns of Sauk Centre, Ashley, Melrose, Grove, Getty, Raymond, North Fork, St. Martin and Crow Lake, shall be entitled to elect one representative.

32. The thirty-second district shall be composed of the county of Wright, and shall be entitled to elect one senator and two representatives.

33. The thirty-third district shall be composed of the county of Carver, and shall be entitled to elect one senator; and the towns of Chaska, Chanhassan, and Laketown, in said county, shall be entitled to elect one representative; and the towns of Carver, San Francisco, Dahlgreen, Benton, Hancock and Young America, in said county, shall be entitled to elect one representative; and the towns of Camden, Waconia, Watertown and Hollywood, in said county, shall be entitled to elect one representative.

34. The thirty-fourth district shall be composed of the counties of Nicollet and Renville, and shall be entitled to elect one senator; and the county of Renville shall be entitled to elect one representative; and the towns of Oshawa, Traverse, Lake Prairie and New Sweden, in Nicollet county, shall be entitled to elect one representative; and the towns of Belgrade, Nicollet, Courtland, Granby, Bernadotte, Lafayette and West Newton, in said county of Nicollet, shall be entitled to elect one representative.

35. The thirty-fifth district shall be composed of the county of Meeker, and shall be entitled to elect one senator and one representative.

36. The thirty-sixth district shall be composed of the counties of Sibley and McLeod, and shall be entitled to elect one senator; and the towns of Sibley, Kelso, Henderson, Dryden, Arlington, Jessenland, Washington Lake and Faxon, in the county of Sibley, shall be entitled to elect one representative; and the towns of New Auburn and Green Isle, in the county of Sibley, and the towns of Glencoe, Helen, Bergen, Rich Valley, Hale and Winsted, in the county of McLeod, shall be entitled to elect one representative; and all the balance of the counties of McLeod and Sibley, lying west of the line between range twenty-eight and twenty-nine, shall be entitled to elect one representative. *(As amended 1872, c. 94.)*

37. The thirty-seventh district shall be composed of the counties of Redwood, Brown and Lyon, and shall be entitled to elect one senator; and the counties of Redwood and Lyon shall be entitled to elect one representative; and the county of Brown shall be entitled to elect one representative.

38. The thirty-eighth district shall be composed of the counties of Martin, Jackson, Nobles, Rock, Watonwan, Cottonwood, Murray, Pipestone, and shall be entitled to elect one senator; and the county of Martin shall be entitled to elect one representative; and the county of Watonwan shall be entitled to elect one representative; and the counties of Jackson, Nobles, Rock, Cottonwood, Murray and Pipestone shall be entitled to elect one representative.

39. The thirty-ninth district shall be composed of the counties of Douglas, Pope, Stevens, Grant and Big Stone, shall be entitled to elect one senator and two representatives; Douglas county shall be entitled to elect one representative; and the remaining counties in said district shall be entitled to elect one representative.

40. The fortieth district shall be composed of the counties of Kandiyohi, Swift and Chippewa, and shall be entitled to elect one senator and one representative.

41. The forty-first district shall be composed of the counties of Otter Tail, Wilkin, Wadena, Todd, Beltrami, Polk, Clay, Becker, Traverse and Pembina,* and shall be entitled to elect one senator and two representatives. (1871, c. 20, § 2.)

§ 3. Change in county and town lines. That in the event of any change in the county and township lines affecting the districts provided in section two, the senatorial and representative districts shall not be affected thereby. (1871, c. 20, § 3.)

TITLE 2.

ORGANIZATION.

§ 4 (SEC. 3.) Biennial Sessions. The legislature shall assemble at the seat of government on the first (1st) Tuesday after the first (1st) Monday in January, in the year of our Lord one thousand eight hundred and seventy-nine, (1879) and biennially thereafter, upon the same day and month. (As amended 1878, c. 23, § 1.)

§ 5 (SEC. 4.) Certificate prima facie evidence of membership. The certificate of election, from the county auditor of the proper county, shall be *prima facie* evidence of the right to membership of the person certified therein to be elected, for all purposes of organization of either branch of the legislature.

§ 6 (SEC. 5.) Senate, how organized. At the hour of 12 o'clock m., on the day appointed for the convening of any regular session of the legislature, the president of the senate, or, in case of his absence or inability, then the oldest member present, shall take the chair, call the members elect to order, and appoint from the members a clerk *pro tem*; the president or chairman shall then call over the senatorial districts in their order, and, as the same are called, the persons claiming to be members shall present their certificates, and take the oath required by the constitution.

§ 7 (SEC. 6.) Officers to be elected. The senate shall thereupon, if a quorum is present, proceed to elect, in the order named, a secretary, an assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, which officers shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the senate.

§ 8 (SEC. 7.) Organization of house. At the time specified in section five the secretary of state, and in his absence the senior member present in the hall of the house of representatives, shall call the members elect to order, and appoint from such members a clerk *pro tem*. The several representative districts shall be called in numerical order, and as the same are called the persons claiming to be members shall present their certificates, and take the oath required by the constitution; and shall, if a quorum is present, thereupon proceed to elect, in the order named, *viva voce*, a speaker, a chief clerk, an assistant clerk, a second assistant clerk, an enrolling clerk, an assistant enrolling clerk, who shall also perform the duties of post-master of the house, an engrossing clerk, sergeant-at-arms, and an assistant sergeant-at-arms, who shall also perform the duties of door-keeper, and a chaplain. (As amended 1872, c. 58, § 1.)

§ 9. (SEC. 8.) Officers shall hold how long. The clerks and sergeant-at-arms shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the house. (As amended 1872, c. 58, § 2.)

§ 10. (SEC. 9.) Messengers, how appointed. The president of the senate shall appoint two messenger boys, and the speaker of the house two, who shall serve during the session of the legislature, unless sooner discharged for cause, and shall each receive one dollar and fifty cents per day.†

* Now called Kittson; see *post*, c. 8.
† See *post* § 10, as to pay of messengers.

§ 11. (SEC. 10.) **Majority of votes necessary to elect officers.** On all elections of officers of either branch of the legislature, a majority of all the votes given is necessary to a choice.

§ 12. (SEC. 11.) **Contempts, how punished.** Each house may punish, as a contempt, by imprisonment, a breach of its privileges, or the privileges of its members, but only for one or more of the following offences, to wit:

First. Arresting a member or officer of the house, or procuring such member or officer to be arrested, in violation of his privilege from arrest.

Second. Disorderly conduct in the immediate view and presence of the house, and directly tending to interrupt its proceedings.

Third. Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized by the house, or a committee to take testimony in legislative proceedings.

Fourth. Giving or offering a bribe to a member, or attempting, by menace or any corrupt means or device, directly or indirectly, to control or influence a member in giving his vote, or to prevent his giving the same: but the term of imprisonment which such house may impose for any contempt specified in this section shall not extend beyond the same session of the legislature.

§ 13. (SEC. 12.) **Person in contempt, where imprisoned.** Whenever either house of the legislature orders or directs the imprisonment of any person in any of the cases specified in the preceding section, such person shall be committed to the common jail of the county of Ramsey, and the sheriff and keeper of said jail shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he is sooner discharged by the order of such house of the legislature, or by due course of law.

§ 14. (SEC. 13.) **Absentees may be compelled to attend.** Whenever at the commencement, or during the regular, adjourned or extra session of the legislature, upon a call of either house, it is found that no quorum of members is present, or if any members are found absent upon any such call, the members present are authorized to direct the sergeant-at-arms, or, if there is no sergeant-at-arms of such house, then any other person duly authorized by the presiding officer of that house, to compel the attendance of any or all absentees: *provided*, that if the house refuse to excuse such absentee, he shall not be entitled to any per diem during such absence.

§ 15. (SEC. 14.) **Pay limited to 60 days.** Members of the legislature shall not receive pay for more than sixty (60) days of any regular biennial session, unless duly convened in extra session by proclamation of the governor, nor more than thirty (30) days when so convened. (*As amended 1878, c. 23, § 2.*)

*§ 16 **Per diem compensation of members and officers of the legislature.** That the compensation of the officers and members of the legislature shall be as follows: The per diem of the president of the senate and speaker of the house of representatives shall be ten dollars. The per diem of the secretary of the senate and chief clerk of the house of representatives shall be ten dollars. The per diem of the assistant secretary of the senate and the assistant clerk of the house, shall be seven dollars. The per diem of senators and representatives shall be five dollars. The per diem of all other officers of the senate and house of representatives, except the messengers, shall be five dollars. The per diem of the messengers shall be two dollars and fifty cents. The enrolling clerks may employ such number of competent assistants as may be necessary to secure the prompt and correct enrolment of all acts which have passed both senate and house of representatives, which assistants shall be paid fifteen cents per folio of one hundred words for such bills, memorials and joint resolutions, as have been by them correctly and legibly enrolled. (*1873, c. 113, § 1.*)

*§ 17 **Mileage of members.** The president of the senate, speaker of the house, and members of both houses, shall receive mileage at the rate of fifteen cents a mile for:

the distance necessarily travelled in going to and returning from the sessions of the legislature. (1873, c. 113, § 2.)

*§ 18. **Compensation for preparing the printed journal.** The secretary of the senate and chief clerk of the house shall be paid each one hundred dollars for fully and completely indexing the printed journals of their respective legislative bodies. The assistant secretary of the senate and the assistant clerk of the house shall be paid one hundred and fifty dollars each for transcribing the journals of their respective legislative bodies. (*Id.* § 3.)

*§ 19. **Warrants for preparing printed journal, when drawn.** The warrants for indexing the printed journals shall not be drawn until the journals are printed. The warrants for transcribing the journals shall not be drawn until the completed transcription is filed in the office of the secretary of state. (*Id.* § 4, as amended 1875, c. 114, § 1.)

*§ 20. **This compensation to be in full.** The compensation herein fixed shall be in full for all services which are herein required to be performed, whether rendered during the session or subsequent to the adjournment thereof. (*Id.* § 5.)

§ 21 (SEC. 15.) **Compensation of members, how certified.** The compensation prescribed by law for the members and officers of the senate shall be certified by the president thereof, and attested by the secretary; and the compensation of members and officers of the house of representatives shall be certified by the speaker thereof, and attested by the chief clerk, which certificates shall be sufficient evidence of the amount due.

*§ 22. **Deputy treasurer to pay members every 10 days.** It shall be the duty of the deputy state treasurer to receive from the state treasurer every ten days during the session of the legislature the per diem salary accruing to the members and officers of the senate and house of representatives during the preceding ten days, and to pay over to such members and officers of said bodies the per diem salary to each one, taking his receipt therefor. He shall, in like manner, receive and pay over all sums accruing for mileage or otherwise to the members and officers of said bodies, all said payments to be made at the office of the state treasurer. (*Joint Resolution, Feb. 3, 1874, § 1.*)

*§ 23. **Certificates of pay due the members.** It shall be the duty of the secretary of the senate and the chief clerk of the house of representatives to draw their certificate every ten days during the session of the legislature in favor of the deputy treasurer for the gross amount to which the members and officers of their respective bodies are entitled for per diem salary or otherwise, reciting in detail in such certificate the amount accruing to each of such members and officers during the preceding ten days; and the said certificates being audited and approved by the state auditor, the state treasurer shall thereupon, on the order of the state auditor, pay over such gross amounts to the deputy treasurer. (*Id.* § 2.)

*§ 24. **Accounts to be adjusted by auditor.** At the close of each session of the legislature, the deputy treasurer shall report to the state auditor an account of the money so received and paid by him during the session, and it shall be the duty of said state auditor to examine the vouchers and adjust said accounts. (*Id.* § 3.)

*§ 25. **Auditor to furnish blanks.** It shall be the duty of the auditor of state to procure and furnish to the secretary of the senate and the chief clerk of the house of representatives, and to the deputy treasurer, all such stationery and printed forms as may be required under the provisions of this joint resolution. (*Id.* § 4.)

*§ 26. **Treasurer responsible for deputy.** The state treasurer is hereby held responsible for the faithful performance of the within-imposed duties of his deputy. (*Id.* § 5.)

*§ 27. **Compensation of deputy not increased.** Nothing herein contained shall be construed to increase the amount of compensation of said deputy treasurer. (*Id.* § 6.)

*§ 28. **Election and term of senators and representatives.** At the general annual election in the year one thousand eight hundred and seventy-eight (1878), there shall be an entire new election of all the senators and representatives. [Representatives] chosen at such election, or at any election thereafter, shall hold their

office for the term of two (2) years, except it be to fill a vacancy; and the senators chosen at such election by districts designated by odd numbers shall go out of office at the expiration of the second (2d) year; and senators chosen by districts designated [by] even numbers shall go out of office at the expiration of the fourth (4th) year; and thereafter senators shall be chosen for four (4) years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment. (1878, c. 23, § 3.)

TITLE 3.

ELECTION OF UNITED STATES SENATOR.

* § 29. **Houses first to vote separately.** That on the second Tuesday after the meeting and organization of the two houses of the legislature of this state, at any regular session thereof immediately preceding the expiration of the time for which any senator was elected to represent this state in the congress of the United States, the legislature shall proceed to, and elect a senator in the place of the senator so going out of office, at the place and in the manner as follows, that is to say: Each house shall openly, by a *viva voce* vote of each member present, name one person for senator in congress from this state; and the name of the person so voted for who shall have received a majority of all the votes cast in each house, a majority of all its members being present and voting, shall be entered in its journal by the proper clerk or secretary thereof; but if either house shall fail to give such majority to the same person on that day, such fact shall be entered in its journal. (1869, c. 93, § 1.)

* § 30. **When to meet in joint convention.** At twelve o'clock meridian, of the day following that on which proceedings are required to take place as provided in the preceding section, the members of the two houses shall assemble in joint convention in the hall of the house of representatives. (*Id.* § 2.)

* § 31. **Organization of joint convention.** On the assembling of such joint convention the speaker of the house shall call the convention to order, and act as the president thereof. The chief clerk of the house shall act as secretary, and call the roll of the members of the convention. (*Id.* § 3.)

* § 32. **Proceedings in joint convention.** If, upon the calling of the roll, a majority of the members of both houses be found to be present in such joint convention, then so much of the proceedings of the preceding day of each house as relates to the election of a senator to congress shall thereupon be read by the clerk or secretary thereof; and if it be ascertained therefrom that the same person has received a majority of all the votes in each house, a majority of all its members having been present and voted, then such person shall be deemed to have been duly elected a senator to represent the state of Minnesota in the congress of the United States; but if the same person shall not have received a majority of all the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint convention thereupon shall then and there proceed to and choose, by a *viva voce* vote of each member present, a person for senator in congress; and the person receiving a majority of all the votes of the joint convention, a majority of all the members of both houses being present and voting, shall be deemed to have been duly elected; and in case no person shall receive such majority on the first day, then the joint convention shall meet at the same place at twelve o'clock, meridian, of each succeeding day during the then session of the legislature, and take at least one vote in manner as aforesaid, until a senator shall have been elected. (*Id.* § 4.)

* § 33. **Vacancy, how filled by legislature.** Whenever, on the meeting of the legislature of this state, a vacancy shall exist in the representation of the state in the senate of the United States, the legislature, being then in session, shall, on the second Tuesday next after the commencement and organization of both houses

thereof, proceed to and elect a person to fill such vacancy in the same manner as is hereinbefore provided for the election of a senator for a full term. And if a vacancy shall happen during any session of the legislature of this state, then, on the second Tuesday after both houses thereof shall have been organized and shall have had notice of such vacancy, the legislature shall in like manner proceed to and elect a person to fill such vacancy. (1869, c. 93, § 5.)

*§ 34. **President to declare result of election.** The person who shall have been elected a senator to congress at the time and place and in the manner provided by this act, shall, immediately after such result shall have been ascertained in joint convention, be declared by the president thereof to have been duly elected a member of the senate of the United States from the state of Minnesota. (*Id.* § 6.)

*§ 35. **Secretary to make record.** The secretary of the joint convention shall enter the name of each of the members thereof, the result of the election, and the declaration thereof, upon the journal of the convention. (*Id.* § 7.)

*§ 36. **Certificate of election—how prepared.** Upon the election of any senator, as provided by this act, the president and secretary of the joint convention shall immediately make and sign a certificate of such election, specifying the time and place thereof, and the name of the person so elected, which said certificate, within three days after such election, shall, by the president of the convention, be presented to the governor; and immediately upon the presentation thereof to him, the governor shall execute a further certificate of such election, duly certifying the same to the president of the senate of the United States, which certificate shall also be attested by the secretary of state of this state, and have affixed thereto the great seal of the state of Minnesota. (*Id.* § 8.)

*§ 37. **Certificate prima facie evidence.** The certificate thus executed by the governor shall be forwarded to the president of the senate of the United States, and shall be held and deemed *prima facie* evidence that the person named therein as senator has been duly elected, according to law. (*Id.* § 9.)

§ 38. (Sec. 24) **Vacancy during recess of legislature, how filled.** In case a vacancy in the office of United States senator happens, from any cause, during the recess of the legislature of this state, the governor shall appoint some person to fill such vacancy until the session of the legislature next thereafter, and until a successor is elected and qualified.

CHAPTER IV.

STATUTES.

THEIR CONSTRUCTION AND REPEAL.

SECTION

- 1 Rules for construing statutes.
- 2 Statutes, shall take effect, when.

SECTION

- 3 Effect of repeal.

§ 1. **Rules for construing statutes.** In the construction of statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute, that is to say:—

First. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such peculiar and appropriate meaning; and all clerical and typographical errors shall be disregarded when the intent and meaning are obvious.