

# GENERAL STATUTES

OF

# MINNESOTA

1913

PUBLISHED UNDER THE AUTHORITY OF THE  
LEGISLATURE BY VIRTUE OF AN ACT  
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19. **Sixth**—The counties of Benson, Sherburne, Stearns, Morrison, Aitkin, Todd, Crow Wing, Wadena, Hubbard, Cass and Beltrami shall constitute the sixth congressional district. ('13 c. 513 § 7)

20. **Seventh**—The counties of Grant, Douglas, Traverse, Stevens, Pope, Big Stone, Swift, Lac qui Parle, Chippewa, Yellow Medicine, Renville, Kandiyohi, Meeker and Lyon shall constitute the seventh congressional district. ('13 c. 513 § 8)

21. **Eighth**—The counties of Koochiching, Itasca, Carlton, St. Louis, Lake and Cook shall constitute the eighth congressional district. ('13 c. 513 § 9)

22. **Ninth**—The counties of Otter Tail, Wilkin, Clay, Becker, Mahnomon, Norman, Polk, Marshall, Red Lake, Pennington, Kittson, Roseau, and Clearwater shall constitute the ninth congressional district. ('13 c. 513 § 10)

23. **Tenth**—The counties of Pine, Chisago, Kanabec, Mille Lacs, Isanti, Anoka, Wright, and all of the county of Hennepin, except the town of St. Anthony outside of the city of Minneapolis, and the third, fourth and tenth wards of the city of Minneapolis shall constitute the tenth congressional district. ('13 c. 513 § 11)

## CHAPTER 3

### THE LEGISLATURE

24. **Biennial and extra sessions**—The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year, and at such other times as it may be called by the governor to meet in extra session. (9)

25. **Evidence of membership**—For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the auditor of the proper county, shall be prima facie evidence of the right to membership of the person therein named. (10)

26. **Temporary employees**—At the opening of each session of the legislature, the superintendent of the capitol shall employ the following assistants, who shall serve until their places are filled by action of the respective houses, and no longer: For the senate, two doorkeepers, one cloakroom keeper, and two pages; and for the house of representatives, two doorkeepers, three cloakroom keepers, and four pages. (11)

27. **Same—Compensation**—Each door and cloakroom keeper so temporarily employed shall be paid three dollars per day, and each page two dollars per day, for the time of his actual service; but none of them shall receive any pay whatsoever until the superintendent of the capitol shall have certified to the number of days of such service, and the amount due therefor. And no other person shall be paid for assistance rendered to either house during its organization. (12)

28. **Organization**—At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of said officers, the oldest member present shall act in his place. The person so acting shall appoint, from the members present, a clerk pro tem., who shall call the legislative districts in the order of their numbers; and, as each is called, the persons claiming to be members therefrom shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn. (13)

29. **Officers to be elected**—Thereupon, a quorum being present, the respective houses shall elect, by viva voce vote, and in the order hereinafter named, the following officers, any of whom may be removed by resolution of the appointing body:

The senate, a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain.

The house, a speaker, who shall be a member thereof, a chief clerk, a first and a second assistant clerk, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain. (14)

Superseded in part. See following section.

**30. Officers of senate 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 and a sergeant-at-arms, which officers shall hold their office for and during the sessions at which they are elected, but may be discharged by a resolution. (G. S. 1894 § 220, amended '05 c. 52 § 1)

G. S. 1894 § 220, was G. S. 1866 c. 3 § 6, which was repealed by § 9428; its provisions being incorporated in the preceding section. So far as this section differs from the preceding section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

**31. Additional employees—Service, how computed and paid**—Each house, after its organization, may appoint, and at pleasure remove, such necessary doorkeepers, cloakroom keepers, clerks, messengers, and other employees as are provided for by its permanent rules, or recommended by its committee on legislative expenses. All members, officers, and employees shall be paid by the day, counting the first and last days of each session and every intervening day; and, unless otherwise expressly provided by law, no officer or employee shall receive any other compensation for his services, whether rendered before, during, or after the session: Provided, that in no case shall pay be allowed for time preceding the election or appointment, nor after the membership or employment has ceased. (15)

**32. Manner of election—Duties—Jury exemption**—A majority of all the votes given upon the election or appointment of any officer or employee of either house shall be necessary to a choice. Such officers and employees, in addition to the duties prescribed by law, shall perform such services as may be required of them by rule or vote of the appointing body, or by direction of any committee thereof. During all sessions the members, officers, and employees of each house shall be exempt from duty as jurors. (16)

**33. Compensation and mileage**—The compensation of members, officers, and employees shall be at the following rates per day, respectively:

1. The president of the senate and speaker of the house, ten dollars each.
2. Senators and representatives, five dollars each.
3. The secretary of the senate and chief clerk of the house, ten dollars each; and, in addition thereto, each shall receive two hundred dollars for properly indexing the journals of their respective houses, and reading and correcting the printer's proofs thereof.
4. The assistant secretaries and assistant clerks, seven dollars each.
5. Clerks of committees, such sum as may be fixed by a resolution of the appointing body, not exceeding ten dollars each.
6. Messengers, not exceeding two dollars and fifty cents each.
7. All other employees, for the time of service actually performed, five dollars each, unless fixed at a less sum by resolution of the appointing body.
8. Assistants of the enrolling and engrossing clerks, who are not paid by the day, shall receive not exceeding eight cents per folio for matter properly transcribed by them, respectively, under the direction of such clerks.
9. Each member shall receive mileage at the rate of fifteen cents per mile for the distance necessarily traveled in going to and returning from the place of meeting, computed from his place of residence. (17)

Superseded in part. See § 35.

**34. Compensation and mileage—How certified and paid**—On the eleventh day of the session, and on every tenth day thereafter, the secretary of the senate and the chief clerk of the house shall certify to the state auditor, in duplicate, the amount of compensation due each officer and employee of their respective houses for the preceding ten days, and the aggregate thereof: "As

soon as the committee on mileage of either house shall have reported, and the same has been approved by the respective houses, fixing the amount of mileage due each member, the secretary of the senate and the chief clerk of the house shall certify the aggregate amount of mileage due each member and the same and all thereof shall then be due and payable." Suitable blanks for such certificates shall be furnished by the auditor. Upon receipt of one of such duplicates, with a certificate of approval thereof by the auditor, and his warrant for payment, the state treasurer shall forthwith pay to the several persons named the amounts to which each is thereby shown to be entitled, taking his receipt therefor. No member, officer, or employee shall receive pay for the time of any unexcused absence, and the treasurer shall have credit hereunder only for sums actually disbursed. (R. L. § 18, amended '09 c. 2 § 1)

**35. Compensation of members—When payable—**The compensation of members of the house of representatives of the legislature of the state of Minnesota shall be one thousand dollars for the entire term to which they are elected, payable as follows: two hundred fifty dollars on the first day of February, two hundred fifty dollars on the fifteenth day of March of the year in which the regular legislative session is held, and five hundred dollars on the last day of the regular legislative session; the compensation of senators of the legislature shall be two thousand dollars for the entire term to which they are elected, payable as follows: two hundred fifty dollars on the first day of February, two hundred fifty dollars on the fifteenth day of March of each year in which a regular legislative session is held, and five hundred dollars on the last day of such regular legislative session. ('07 c. 229 § 1, amended '09 c. 132 § 1)

1907 c. 229 § 4, repeals inconsistent acts, etc. So far as § 33, relates to the compensation of the president and speaker and of members, it is superseded.  
105-513, 117+845, 1044.

**36. Compensation to be in full—Mileage—**The compensation herein provided for shall be in full for all services which are required to be performed by senators and representatives, whether rendered during the session of the legislature or subsequent to the adjournment thereof; provided, that nothing in this act shall affect the compensation of senators and representatives for mileage in going to and returning from the session of the legislature. ('07 c. 229 § 2)

See note under preceding section.

**37. President and speaker—Additional compensation—**The president of the senate and speaker of the house shall receive, in addition to the amounts specified in section one of this act, the sum of five dollars each per day during any session of the legislature. ('07 c. 229 § 3)

See note under § 35.

**38. Contempts—**Each house may punish, as a contempt, any breach of its privileges, or of the privileges of its members, but only for one or more of the following offenses:

1. Arresting or causing to be arrested, any member or officer thereof, in violation of his privilege from arrest.

2. Disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt their proceedings.

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

4. Giving or offering a bribe to any member, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote. No person shall be excused from attending and testifying before either house of the legislature, or a committee thereof, for an alleged offense upon an investigation in reference to such giving or offering of a bribe, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may

tend to convict him of a crime or subject him to a penalty or forfeiture, but no person shall be prosecuted, or subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony, so given or produced, shall be received against him upon any criminal investigation or proceeding. (R. L. § 19, amended '07 c. 319 § 1)

39. **Same—Punishment**—Punishment for contempt shall be by imprisonment, but the term thereof shall not extend beyond the session at which it is inflicted. Whenever either house shall direct the imprisonment of any person for a contempt, the keeper of the common jail of the county in which the seat of government is situated shall receive such person and detain him in close confinement during the term fixed by the order of commitment, or until he is discharged by vote of the committing body or by due process of law. (20)

40. **Exemption from attendance in court**—No member of the legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature; unless the court in which the action is pending upon sufficient showing shall otherwise order, and no cause or proceeding, civil or criminal, in which a member of the legislature is a party, attorney whose retainer antedates the beginning of the legislative session or necessary witness shall be tried during such session of the legislature, but shall be continued until the legislature shall have adjourned, unless the court in which the action is pending upon sufficient showing shall otherwise order. Such member of the legislature may, with the consent of the body of which he is a member, waive such privilege and in such case such cause may be tried in its regular order. ('09 c. 51 § 1)

41. **Journals**—A journal of the daily proceedings in each house shall be printed and laid before each member at the beginning of the next day's session. After it has been publicly read and corrected, a copy of such journal, kept by the secretary and chief clerk, respectively, and a transcript thereof as approved, shall be certified by such secretary or clerk to the printer, who shall print the corrected sheets for the permanent journal. Executive messages, addresses, reports, communications, and all voluminous documents other than amendments to the constitution or to bills and resolutions and the protests of members submitted under sec. 16, art. 4, of the constitution, shall be omitted from the journals, unless otherwise ordered by vote. (21)

2-330, 281; 24-78; 38-143, 36+443; 45-451, 48+196; 55-401, 407, 56+1056, 23 L. R. A. 287, 43 Am. St. Rep. 514.

42. **Other records—Appendix to journals**—Each house may determine, by rule or resolution, what number of copies of its journal shall be printed, and the form and contents of such other records as it may see fit to keep. In like manner it may cause to be printed, in an appendix to its journal, such documents as it shall desire to so preserve; but, if both houses shall order the same document to be so printed, it shall be inserted only in the appendix to the senate journal. (22)

43. **Engrossing and enrolling bills, etc.**—That all bills, joint resolutions and legislative acts may be engrossed, or enrolled, as the case may be, by pen and ink, in long hand, or by printing, or by typewriting, or partly in either manner. ('05 c. 153 § 1)

The preamble to the act is as follows: "Whereas, hitherto it has been customary to engross and enroll bills, joint resolutions and legislative acts with pen and ink, in long hand, and whereas, during the last days of every legislative session such method often occasions unnecessary and embarrassing delay, now therefore, be it enacted," etc.

44. **Election of United States senator**—Senators in Congress shall be elected and the election certified as provided by the statutes of the United States. All meetings of the two houses in joint assembly shall be held in the hall of the house of representatives. The speaker of the house shall preside over such assembly, and the clerk thereof shall be its secretary. The roll of the senate shall be called by its secretary, and that of the house by its clerk. The president of the senate and speaker of the house shall certify the result of such election in duplicate; setting forth the whole number of votes cast on the final ballot, and the number thereof received by each person voted for.

One of such duplicates shall be delivered to the governor, and the other filed with the secretary of state. (23)

#### AMENDMENTS TO THE CONSTITUTION

45. **Form of act—Submission**—Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing, in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation. (24)

46. **Statement by attorney general—Notice**—At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended. Prior to the election, the secretary of state shall give three weeks published notice of such statement in all legal newspapers of the state. The secretary of state shall furnish such statement in plate form to such newspapers, the expense of which shall be borne by said newspapers. The maximum rate for such publication shall be twenty-five cents per folio for each of the three publications, but shall not exceed fifty dollars for each newspaper unless the publication exceeds eighty inches in length, in which case the excess shall be paid for at the rate of fifteen cents per inch for each publication thereof. Provided, that daily newspapers having a bona fide circulation, not including exchanges or other complimentary circulation, of ten thousand, shall receive seventy-five cents per folio for the first publication and thirty-five cents per folio for each of the two subsequent publications; not to exceed one hundred fifty dollars for each of such daily newspapers. Provided, however, that if any newspaper shall refuse the publication of said amendments such refusal and failure of publication shall have no effect on the validity of said amendments. He shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village and city clerks, who shall give three weeks posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Willful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor. (R. L. § 25, amended '07 c. 152; '13 c. 299 § 1)

47. **Affidavit of publisher**—The publisher of every newspaper publishing the proposed amendments shall, before receiving his fees for such publication, file with the secretary of state an affidavit showing the qualification and legality of such newspaper and that the publication of such amendments has been made as required by law. ('13 c. 299 § 2)

#### STANDING APPROPRIATIONS

48. **"Standing appropriation" defined**—A standing appropriation within the meaning of this act is one which sets apart a specified or unspecified and open amount of public money or funds of the state revenue fund for expenditure for any purpose and makes that amount or some part of it available for use continuously and at a time more distant than the end of the second fiscal year after the session of the legislature at which such appropriation is made.

Every appropriation stated to be an "annual appropriation," or "payable annually," or "appropriated annually," or "annually appropriated," and every appropriation described by equivalent terms or language is to be included among the standing appropriations as hereinbefore defined. ('13 c. 140 § 1)

By § 3 the act takes effect August 1, 1913.

49. **Standing appropriations repealed—Exceptions**—Each and every provision of the laws of Minnesota constituting a standing appropriation of money from the revenue fund, or derived from any revenue of the state, or in any way

justifying the continuous payment of any money from the treasury of the state, is hereby repealed, except in cases where there is a provision for a tax levy or fees or receipts for any purpose and set apart in a special fund, and also excepting the miscellaneous receipts of all state educational, charitable and penal institutions, and the state agricultural society, and all standing or continuous appropriations not based on a tax levy, fees or receipts as heretofore provided, are hereby abolished and terminated, and each and every word, clause and paragraph providing for such appropriations is hereby stricken from the laws of this state respectively in which they occur.

All acts containing provisions for standing appropriations shall remain unaffected by this act except as to such appropriations and the amount thereof. ('13 c. 140 § 2)

#### PROMOTION OF UNIFORMITY OF LEGISLATION

50. **Commissioners for promotion of uniformity of legislation**—On or before the first day of June in each odd numbered year, beginning with the first day of June, 1911, the governor, the attorney general and the chief justice of the supreme court, or a majority thereof, shall appoint three suitable persons learned in the law, who, with their successors, are hereby constituted a board of commissioners for the promotion of the uniformity of legislation in the United States, who shall hold their offices for the term of two years from the time they are appointed, or until their successors respectively shall be appointed; and any vacancy in said board, by resignation, death or otherwise, shall be filled by the appointment by said appointing officers, to fill such vacancy for the remainder of such term, of a suitable person having the qualifications herein specified for such original appointment. ('11 c. 68 § 1)

51. **Duties**—It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, the descent and distribution of property, the acknowledgment of deeds, the execution and probate of wills, and other subjects upon which uniformity is desirable; to confer with the commissioners appointed for the same purpose by any other states in drafting uniform laws to be submitted for approval and adoption by the several states; and said board of commissioners shall meet annually with the conference of commissioners on uniform state laws for the promotion of uniformity of legislation in the United States, and join with it in such measures as may be deemed by the said board most expedient to advance the objects of said conference. ('11 c. 68 § 2)

52. **Record—Report and recommendations**—Said board of commissioners shall keep a record of all its transactions and shall, at the beginning of each biennial session of the legislature of this state, and may, at any other time, make a report of its doings, and of its recommendations, to said legislature. ('11 c. 68 § 3)

53. **Expenses—Annual appropriation**—No member of said board shall receive any compensation for his services, but each member of said board shall be reimbursed out of the funds hereinafter provided, upon the certificate of said board, approved by the state auditor, the amount of his traveling and other personal expenses necessarily incurred in the discharge of his official duties, but such expense shall not exceed, for any one member, in any one year, one hundred twenty-five dollars and the said board is hereby authorized to expend not to exceed in any one year the sum of five hundred dollars (\$500.00) for its necessary disbursements and expenses, including the personal expenses of the members of said board, necessarily incurred in the performance of their duties; and, upon the requisition of said board, approved by the state auditor, there shall annually be paid out of the state treasury to the national conference of commissioners on uniform laws the sum of five hundred dollars (\$500.00) or such part thereof as said board shall deem proper, to meet, with appropriations for similar purposes by other states, the proper proportion to be paid by the state of Minnesota towards the expenses of the work carried on by said national conference; and to carry out the provisions of this act a sum not exceeding one thousand dollars (\$1,000) per year may be expended, and for that purpose the sum of one thousand dollars (\$1,000)

is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, and the money herein appropriated shall be drawn from and become payable out of the state treasury by requisitions upon the state treasury by the said board after the approval of such requisitions by the state auditor. ('11 c. 68 § 4)

As to repeal of standing appropriations, see §§ 48, 49.

## CHAPTER 4

### EXECUTIVE DEPARTMENT

#### THE GOVERNOR

**54. Custodian of state property**—In addition to the powers and duties prescribed by the constitution, the governor shall be the custodian of all property of the state not especially intrusted by law to other officers, and may take possession thereof without legal process, and adopt such measures for its safe-keeping as he deems proper. (26)

**55. To appoint secretary, etc.**—He shall appoint a private secretary, who shall keep a record of all important official letters to and from the governor, and of such others as the governor shall direct, which record shall be preserved in the executive office and produced before the legislature whenever requested. He shall appoint an executive clerk, a stenographer, and two executive messengers; also a superintendent of the capitol, and as many janitors, watchmen, and laborers under him as shall be necessary for the proper care and safety of the building and grounds and the public property there kept; also a chief engineer and two assistants, the latter to act as firemen. The superintendent shall have general oversight of the property, and the chief engineer shall control the lighting, heating, and ventilating apparatus and machinery and plumbing of the capitol. The governor shall prepare and enforce rules, fixing the details of service for all employees hereinbefore authorized. (27)

**56. To have care of state capitol**—Two years from the passage of this act, or at such earlier date as it may be completed, the new capitol building shall be turned over to the governor, and the latter shall assume and thereafter have full control thereof, with the surrounding grounds, and shall care for, operate and maintain the same in the manner and subject to the limitations prescribed in section 1 hereof. ('05 c. 102 § 2)

Section 1 of said act is as follows: "The board of state capitol commissioners heretofore created under and by virtue of chapter 2, of the General Laws of 1893, are hereby authorized, in addition to the powers heretofore given them, to properly care for, operate and maintain the new capitol building and to prepare, adorn and care for the grounds surrounding the same, until such time as said building may be fully completed, not exceeding two years from the passage of this act, and shall hire and employ such engineers, firemen, electricians, elevator operators, janitors and other help as may be needed and discharge the same and hire others in their discretion, and shall, through the board of control of state institutions, purchase necessary fuel and other supplies."

Section 3 makes an annual appropriation. See §§ 48, 49.

See 1911 c. 234, creating office of day watchman of old capitol building.

**57. Proclamations—Extra sessions—Thanksgiving, etc.**—When the governor convenes the legislature in extra session, he shall do so by proclamation, giving to the members such notice as he deems necessary of the time of meeting; and, when assembled, he shall inform them of the purposes for which they are convened. He shall set apart and proclaim one day in each year as a day of solemn and public thanksgiving to Almighty God for His blessings to the people, and no business shall be transacted on that day at any of the departments of state. All proclamations of the governor required or authorized by law shall be filed with the secretary of state. (28)

**58. Powers of appointment, suspension, and removal—Seal**—He shall appoint, and when necessary commission, all officers and employees of the state whose selection is not otherwise provided for by law, and, at his pleasure, may remove any such appointee whose term of service is not by law pre-