which has not accepted and become subject to sections one (1) and two (2) of chapter one hundred and eleven (111) of the Special Laws of 1873, relative to taxation, or some special act or acts relating to taxation of the company accepting the same, shall become liable to pay, and shall pay a percentage of its gross earnings, in lieu of all other taxes, in accordance with the provisions of the chapter hereinbefore referred. SEC. 2. No railroad, or branch, or extension of a railroad in this state, shall hereafter be opened for public use until the management thereof shall officially notify the railroad and warehouse commission that the same is finished and in a sate condition for operation. Within one year after such notification the corporation constructing and operating such railroad, branch or extension, shall file in the office of said commission a map and profile thereof, with table of grades, curvatures, and mileage, and a statement of the other characteristics of the road, certified by its president and engineer, in such form as the board may prescribe.

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

Approved March 7th, 1887.

AN ACT requiring railway companies to build and keep in repair highway crossings. Be it enacted by the Legislature of the State of

Minneseta:
SECTION 1. That all railway companies operating a line or lines of railways in this state shall build or cause to be built and keep in repair good

ating a line or lines of railways in this state shall build or cause to be built and keep in repair good and sufficient crossings over such line or lines of railway at all points where any public highway is now or may hereafter be intersected by such line or lines of railway.

SEC. 2. A good and sufficient crossing as required to be built and kept in repair as denominated in section one (1) of this act shall be and is hereby construed to be as follows, to wit:

First—Of a grade of earth on one or both sides of the railroad track as the location may require, a grade or grades of earth which shall extend along such track for a distance of not less than thirty-two (32) feet, the middle point of which shall be at the middle point of the highway, and such grade shall be of such slope as shall be deemed necessary by the chairman of the board of supervisors or other officer or officers having charge of the highways in the town, district or village where such intersection is located.

Second—That plank shall be firmly spiked onto and for the full length of the ties used in the roadbed of such railway, where guch crossing occurs, and such plank, when so lafft, shall be no more than one (1) inch apart, except where the rails brevent, in which the plank next inside of such rail shall be no more than two and one-haif (240) inches from the inside surface of such rail.

more than one (1) here apart, except where the rails brevent, in which the plank next inside of such rail shall be no more than two and one-hait (249) inches from the inside surface of such rail, and the thickness of the plank so used shall be equal to the height of the rail; that is to say, the upper surface of the plank shall be on a level with the upper surface of the rail, and all such plank shall extend along such railway the entire width of such highway grade.

SEC. 3. It shall be the duty of the officer or officers having charge of any public highway intersected by any line of railway to serve a written notice upon the nearest station agent or section foreman having charge of that portien of the railway where such intersection occurs, shat such crossing as herein described shall be built or repaired.

SEC. 4. It shall be the duty of any railway company so receiving such notice to build or cause to be built a good and sufficient crossing as described in section two (2) of this act, within a period of thirty (30) days from and after receiving such notice.

SEC. 5. It shall be the duty of all railway

Sec. 5. It shall be the duty of all railway companies owning or operating any line of rail-road within the limits of the State of Minnesota to at all times keep all public highways now or hereafter crossing such line of railroad clear of snow, so that the same shall at all times be in a sate and convenient condition. safe and convenient condition for travel for a distance of one hundred feet (100 feet) each way from the center of said railroad along such

ighway. Sec. 6. Any railroad company which shall SEC. 6. Any railroad company which shall neglect to comply with the terms of this act shall be liable to pay damage to the city, village or town in which the highway is situated in the sum of thirty dollars (\$30) for such neglect, and a further sum of ten dollars (\$10) per day for each and every day such railr-ad company falls or neglects to comply with the terms of this act. The same to be recovered in an action brought in the name of the city, village or town as the case may be. It is hereby made the duty of the county attorney to prosecute to judgment any claim arising under the foregoing provision, without charge to the said city, village or town. SEC. 7. That any acts or parts of acts conflicting with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage. force from and after its passage.
Approved March 7th, 1887.

AN ACT to provide freedom of traffic in the State of Minnesota. Be it enacted by the Legislature of the State of Minnesota: SECTION 1. All railway companies doing busisection i. All railway companies doing business in this state shall provide ample facilities for transferring cars from their track to any other joining crossing or intersecting railway track, except in special cases where the interest of the public does not demand it, and such cases shall be determined by the railroad and warehouse convenience.

cases shall be determined by the railroad and warehouse commissioners.

SEC. 2. All railway companies doing business in this state shall receive and transport freight over such route or routes as the shipper shall direct at reasonable rates. Car-load lots shall be transferred without unloading from the cars in which the shipments were first made unless transferred into or upon the connecting railway's cars at actual cost and without unreasonable delay to the shipper.

SEC. 3. When the route selected requires the

ted requires the SEC. 3. When the route selected requires the use of the tracks of more than one railway company, the rate of transportation for the entire distance shall not exceed the rate for an equal distance over the tracks of a single company except the addition of a reasonable rate of transfer. Where the different railroad companies fer., Where the different railroad compani cannot agree upon the division of the earnin arising under this act, the board of railro arising under this act, the board of railroad and warehouse commissioners shall adjust the same, taking into consideration the value of terminal facilities and all the circumstances of the haul, but in no case shall the aggregate cost to the shipper be increased; but where the sev-eral railway companies making up the through route have different schedules of rates over their respective lines, the through rate shall be based upon the average of the schedule of rates on their respective lines.

respective lines, the through rate shall be based upon the average of the schedule of rates on their respective lines.

SEC. 4. Any railway company willfuly and maliciously refusing or neglecting to comply with the provisions of this act shall be fined not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars for the first offense, and not less than one thousand dollars (\$1,000) for the second offense.

SEC. 5. Whenever any railway company shall violate the provisions of this act it shall be the duty of the county attorney in whose county such offense is committed to institute proceedings against the offending company in the district court, in the name and at the expense of the state, to enforce the provisions and penalties of this act.

SEC. 6. Any railway official who willfully or maliciously refuses or neglects to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one thousand (\$1,000) dollars.

SEC. 7. Whenever the provisions of sections

fined not less than one thousand (\$1,000) dol-lars.

SEC. 7. Whenever the provisions of section six (6) of this act are violated, proceedings against the offender may be instituted upon in-formation by the county attorney or by indict-ment of the grand jury in the county where the offense is committed.

SEC. 8. All lines accruing from the enforce-ment of this act shall be covered into the state treasury for the benefit of the school fund.

SEC. 9. This act shall take effect and its provisions shall be in force on and after the first day of June, 1887.

Approved March 5th, 1887.

AN ACT to reimburse settlers for money expended in defending suits brought by railroad companies against persons claiming lands embraced in the relinquishment made in bursuance of section 10, chapter two hundred and one (201), Special Laws of One thousand eight hundred and seventy-seven.

Be it enacted by the Legislature of the State of Minnesota: 9.

Bet tenacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury properly applicable thereto and not otherwise appropriated, to reimburse settlers for money expended for counsel fees in defending suits brought by any railroad company against such settlers claiming lands embraced in the relinquishment made in pursuance of section ten of chapter two hundred and one of the Special Laws for the year one thousand eight hundred and seventy-seven, the same to be paid upon the following conditions. The settler seeking to recover such money shall file in the office of the state auditor a statement, showing the date of such suit, the description of the lands embraced in said action and a detailed statement of the money paid out as counsel fees in making such defense, together with a statement of the proceedings had in such action, all of which shall be verified by the affidavit of the person making such application; he shall also file with such statement a certificate of the the such statement a certificate of the ried of the court in which such action was tried, or the certificate of one of the land officers before whom said suit was tried, if tried before any land office, of the pendency of said action and the disposition of the same, and shall also file with said statement the affidavit of the person to whom such counsel fees were paid that the amount claimed to have been paid was actually received by such counsel. Such statement shall be examined by the auditor, who shall reject in whole or in part any item in such statement which shall appear excessive or unreasonable.

statement which shall appear excessive or un-reasonable.

SEC. 2. Provided nothing in this act shall be so construed as to apply to any action brought against any person claiming any of said lands since the passage of chapter one hundred and seventy-six of the General Laws for the year one thousand eight hundred and eighty-five.

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

Approved March 2d, 1887.

AN ACT regulating the amount of licenses for the sale of intoxicating liquors. Be it enacted by the Legislature of the State of

of intoxicating induces, nabitual drunkard, or minor,knowing them to be such, with money or its equivalent, furnished by such person or by such drunkard, intemperate drinker, minor or other person for him any intoxicating liquor, shall be uilty of a misdemeanor, and upon conviction half be punished by fine of not less that twent. with costs of prosecution, or by imprisonment the county jail for not less than twenty i with costs of prosecution, or by imprisonment in the county jail for not less that twenty nor more than ninety days, and in case of default in payment or any fine, until such fine and costs are paid, not exceeding ninety days. It shall be unlawful for any person in any city, village, town, or borough in this state, to sell, barter, furnish or dispose of in any manner, either directly or indirectly, or by agent, employe, or otherwise, any intoxicating liquor in any quantity or or any purpose whatever on the Sabbath day, or on any general or special election days; and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day, and of every general or special election day; and any person violating any of the provisions of this section shall be gualty of a misdemeanor, and on conviction thereof by any court having jurisdiction shall be punished by fine of not less, than thirty dollars nor more than one hundred dollars and costs of prosecution, and by imprisonment in the county jail not less than ten days nor more than thirty days.

SEC. 2. That section eleven of said chapter

prosecution, and by imprisonment in the county jail not less than ten days nor more than thirty days.

SEC. 2. That section eleven of said chapter be amended by adding thereto the following: "And in all prosecutions in this state for the sale of spirituous, vinous, fermented or malt liquors without a license therefor, proof that the accused has paid the United States revenue tax for the sale of spirituous or vinous, fermented or malt liquors, or has procured a receipt for such payment covering the time in which it is alleged the accused has sold without a license shall be prima facie evidence that the accused has sold such liquor; and in all such prosecutions proof that the receipt aforesaid is found or posted up on the premises in which it is alleged such sale is made shall be prima facie evidence that the person or persons doine business upon said premises, either as principal, agent, proprietor, clerk or bartender, is selling such liquor. Provided that the provisions of this section shall not apply to druggists engaged in the business of compounding and dispensing medicines upon prescription.

SEC. 3. That section twelve of said act is amended so as to read as follows: Section 12. That in all cases where any person is convicted in any court of selling or furnishing intoxicating liquor to a minor, habitual drunkard or intemperate person after written notice as aforesaid his license shall thereupon become forfeited and void, and thereafter he shall be liable for all penaltics for selling liquor, the same as any person selling without a license.

SEC. 4. That said chapter 16 be further amended by adding thereto the following new sections.

Sec. 24. It shall not be lawful for any person to keen any page and page

sections.
Sec. 24. It shall not be lawful for any person Sec. 24. It shall not be lawful for any person to keep any bagatelle or card or any other kind of table whatsoever, except billiard and pool tables, or to allow the same to be kept in any room where any of the liquors mentioned in this act are licensed to be sold, or may be sold or kept for sale, or to allow any games at cards, throwing of dice, or any other game of any kind or nature whatsoever to be played in such room. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten nor more than fifty dollars. The provisions of this section shall also apply and be in force in all municipal corporations.

Sec. 25. That no person shall in any meaner.

also apply and be in force in all municipal corporations.

Sec. 25. That no person shall in any manner be protected by any permit, or license issued by the county commissioners or by the authorities of any city, village or other municipal corporation, unless he shall have paid the full amount required by the law or ordinance under which such license is granted, and no license shall have any force or effect unless the license shall have paid therefor a sum equal to the minimum rate fixed by the laws of this state for the town, village, borough or city where the same is granted. All licenses granted by said county commissioners, or the authorities of any town, village, borough or city in this state, shall be posted up in the room where such business is done, and shall distinctly state the amount paid therefor.

herefor. Sec. 26. All licenses issued by the county o constructed as to apply to any action brought gainst any person claiming any of said lands ince the passage of chapter one hundred and eighty-five.

SEC. 3. This act shall take effect and be in orce from and after its passage.

Approved March 2d, 1887.

License and Saie of Liquors.

10.

IN ACT regulating the amount of licenses for the sale of intoxicating liquors without a license. Sec. 27. When any person holding a license for the sale of intoxicating liquors without a license. Sec. 27. When any person holding a license for the sale of intoxicating liquors without a license. Sec. 27. When any person holding a license for the sale of intoxicating liquors without a license. Sec. 27. When any person holding a license for the sale of intoxicating liquors are state for selling liquors without a license. Sec. 27. When any person holding a license for the sale of intoxicating liquors is to the business he is licensed to pursue, and when any

given pursuant to the provisions of this section.

SEC. 2. No license shal be issued or renewed by the authorities of any county, city, town, village or borough in this state when the sum paid therefor is less than the minimum amount required by the laws of this state; nor to any person who, during the twelve months next preceding the application for such issuance or renewal, shall have been convicted of violating any law of this state, or any ordinauce of any municipal corporation therein, regulating the sale of intoxicating fiquors. And any member of any board of county commissioners or of the council of any city or of any municipal corporation in this state who shall vote to issue or renew such license, and any officer who shall issue and renew, or shall take any part in issuing or renewing such license, upon the payment by the applicant of a sum less than the full minimum amount required by law, shall be deemed guilty of a miscemeanor and shall be punished by fine not exceeding five hundred dollars and see so issued or renewed in violation of law shall be void.

SEC. 3. If any county commissioner or member of the council or other governing body of any city, village or other municipal corporation in this state, any mayor of any city, any judge, sherif, justice of the peace, constable or other officer willfully neglects or refuses to perform any duty required of him by the laws regulating the liquor traffic or the issue of licenses therefor, he shall he deemed guilty of a malfeasance in office, and shall be liable on his bond in an amount not more than \$500 nor less than \$100, recoverable in any court having jurisdiction.

SEC. 4. Whoever sells, barters, gives away or otherwise disposes of any sprittions, vindous, fermented or mal liquors, without first having obtained license therefor agreeably to the laws of this state, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court having jurisdiction of the same, be punished by a fine of not less than \$50 nor more than \$100, teget

village or city any license for the sale of intoxicating liquors has been granted since the first day of July, one thousand eight hundred and eighty-six, and before the passage of this act, any and all such licenses shall expire within one year from the date of issuing the same.

SEC. 7. The words "intoxicating liquors," wherever used in the laws or statutes of this state, now in force or hereafter to be in force, shall be construed to mean spirituous, vinous, fermented and malt liquors, or either of them.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage. orce from and after its passage Approved March 3d, 1887.

13.

AN ACT to define and punish the crime of un-lawfully disposing of intoxicating liquors by the device known as "blind pig" or other con-trivances intended to conceal the transaction. Be it enacted by the Legislature of the State of Minnesota; SECTION 1. Whoever shall attempt to evade or violate any of the laws of this state regulat-ing or prohibiting the sale of intoxicating

this state is entitled in the congress of the United States shall be elected at said election.

SEC. 2. Every organized township and every ward of each incorporated city shall form at least one [election] district, but no election district in any incorporated city shall contain more than four hundred (4:00) voters, and whenever an election district is found by the number of votes there case at any election, to contain more than four hundred voters, it shall be the duty of the supervisors of the town or the common council, village, borough, or municipal corporation of the city, if an incorporated city, to cause such districts, at least six weeks before the next ensuing general, town or city election, to be divided into two or more districts, each containing, as nearly as may be, an equal number of voters. Whenever a ward shall be divided into two or more districts (in an incorporated city) the common council, village, borough or municipal corporation shall publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such map or description in at least ten of the most public places in every district of such ward; and the common council, village, borough, or municipal corporation shall, also, prior to the next election, furnish coples of such map or description to the judges of election in each district of such ward. SEC. 3. Whenever any number of voters not

less than eight residing in an unorganized, or partially organized county shall petition the governor to establish a new election district designating the boundaries of the same, which shall n t be within ten miles of the polling place designating the boundaries of the same, which shall n t be within ten miles of the polling place of any existing district, it shall be the duty of the governor, and he is bereby authorized to cause to be established such district; and he shall select from the names of the petitioners three persons who shall be judges of election therein; such districts to be established at such place or places as the petitioners may require. The governor shall within at least six weeks before a general election, and within at least three weeks before a secial election, publish in some newspaper published in the state a list of all the election districts by him so established, and the places where the elections are to be held.

SEC. 4. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one of the clerks of election, in their respective election districts, and the judges of election shall appoint an additional clerk of election who shall be of an opposite political party (if practicable), to the town elerk. The city council of all incorporated cities shall appoint three qualified electors of each election district of said city, who shall be judges of election there election districts as clerks of election. The election shall be held in such election district at the place where the last preceding election was held, except as hereimatter provided; but it in any town a vote is taken to hold it elsewhere, the next ensuing election shall be held at

received as conclusive as to any many to entitle him to vote.

SEC. S If either of the judges of election of any election district shall tail to attend at the time and place appointed for correcting the lists or registers, or holding an election, or if either of said judges be a canonic either of said judges be a canonic election.

oublicly announced.

SEC. 11. The judges of election may appoint Sec. 11. The judges of election may appoint one or more special constables to attend each piace of election. It shall be the duty of the sheriff or constable to keep an open space of at least six feet square from the place of voting, so the person voting can do so unmolested by any other person. If any of the above-named officers neglect to perform that duty, then the judges of election shall swear in enough private citizens to enferce order, who shall have power, as constables or conservators of the peace, to make arrests for breach of peace. And any police officer or constable attending the election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any rict or disorder during the election. Wheever conducts himself in a rotous or disorderly manner at any election, and persists in such conduct after being warrant.

the election shall be first in such election district, and the place where the last preceding election was held, except as hereinatter provided but if in any town a vote is taken to hold it election, and persists in such conduct after between the election of the conduct of the place of holding chain the place of holding election, and the houndaries thereof, and the place of holding election in each district, and the place of holding election in each district shall be designated by said town meeting or, in default of such designation, shall be appointed by the judges of election thereof. Not more than two places and one clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party.

SEC. 5. The secretary of state shall between the condition of the same political party of the condition of the place of holding chain the officers whose term of office will expire and the result of the condition of the condition of the place of holding shall place of holding shall, holding of any special election, shall rive public notice of the time and place of holding sach election, and twenty days before the place of holding the election, and the next general election, shall nate a like notice to be sent to each town and city eleck in his county. Every township and city election to be conditional box as there are additional box as alike notice to be sent to each town and city election in the fair

the mere affidated one persons merely; and the mere affidated one persons in the mere affidated on the mere affidated on the mere affidated on the process and not be received as conclusives as to any fact necessary to entitle him to vote as any lection district shall tail to attend at the time and place appointed for correcting the lists or registers, or holding an election, or if either of said judges be a candidate at such election, or refuse to act, as judge, the qualified electors of suce election district resent shall elect viva oce some qualified elector or said election district to act as judge, the qualified electors of suce election district to act as judge, the qualified electors of suce election district to act as judge, the qualified elector of said election district to act as judge, the qualified elector of said election district to act as judge, or effusing to act; and if any clerk of election has been dead of the proposed of the duties of such clerk and before any judges of election shall appoint some qualified elect on in place of such clerk and before any judges or clerk of election enters upon the discharge of the duties imposed upon him by this chapter he shall take and subscribe the following onto the person challenged recarding his chapter he shall take and subscribe the following onto the person challenged recarding his chapter he shall take and subscribe the following onto the person present and the best of my ability, and will studionsity endeavor to prevent trand, decet and abase in conducting this election, so help me God, which said oath, so taken, subscribed and certified, said to the said ilst or register person so the clerk of the election will be callenged recarding to have a subscribed and become a many because of election will be callenged recarding to have been a counted for the person conformably to the town or ward, and as the case may be according to have been a counted for the person of elections, and the best of my ability, and will be dependent to the said list or registe

SEC. 28. If the challenge is not withdrawn after the person so offering to vote has answered the questions put to him as aforesaid, one of the judges of election shall tender him the tollowing oath: "You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization, that you are twenty-one years of age and have been an inhabitant of this state for four months immediately preceding this election and an actual citizen of this election district for ten days immediately preceding this election; that you have not voted at this election."

SEC. 29. If any person refuse to take the oath

diately preceding this election and an actual citizen of this election district for ten days immediately preceding this election; Ten days immediately preceding this election; Sec. 29. If any person refuse to take the oath so tendered his name shall not be allowed to vote. Sec. 30. As soon as the polis are finally closed, of which closing proclamation shall be made by one of the judges thirty minutes previous thereto, the judges shall proceed to canvass the votes taken at such election, and the said canvass shall be public and continued without intermission until completed and the result declared. The canvass shall commence by taking out of each box the ballots unopened (except so far as to ascertain whether every ballot is single and counting the same to ascertain whether the number of ballots corresp-nds with the number appearing on the poll lists to have been cast in such box; if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the counting of the ballots is completed; then, if, on a comparison of the said count with the number of ballots so appearing to have been cast in such box, it appears that the two ballots so found folded together were cast by one elector, they shall be destroyed. If the ballots in any box be found to exceed in number the number of votes cast in such box, atter destroying the billots folded together (if any), they shall be replaced in the box, and one of the judges shall publicly, and without looking in the box, draw out therefrom, and destroy unopened, a number of ballots agreeing, or being thus made to agree, with the number of votes appearing in the columns of the poll list, correspondent to the respective boxes, the lists shall be signed by the judges and attested by the clerks and the number of the signatures of the judges and the stream of the poll list, correspondent to the respective boxes, the lists shall be signed by the clerks of election at the following form, to wit:

"List of qualified elector

before the tenth day after the election said board shall proceed, after taking the usual oath of office, to openly and publicly canvass the returns made to the auditor's office. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, or lieutenant covernor, chief, or associate justices of the supreme court, secretary of state, auditor of state, treasurer of state, clerk of the supreme court, judges of the district court, and all other officers of the state; the names of the persons for whom such votes were given, and all other officers of the state; the names of the persons for whom such votes were given, and the number of votes given for each. They shall make another statement for all county officers voted for and the names of the persons for whom such votes were given. Another statement of the votes given for senators and members of the house of representatives, and the names of the persons for whom such votes were given. Another statement of the votes for the electors of president and vice president, and the names of the persons for whom such votes were given. Another statement of the votes in congress in each district, or any or either of them, and the names of the persons for whom such votes were given: another statement of the votes in congress in each district, or any or either of them, and the names of the persons for whom such votes were given: another statement of the votes in another statement of the votes in another statement of the votes were given any proposed change of county lines or countyseat and another of the votes given for and against probosed amendments to the constitution. Such statements shall be signed and cerupon any proposed change of county lines or countyseat; and another of the votes given for and against proposed amendments to the constitution. Such statements shall be signed and certified by the county canvassing board, and deposited in the said auditor's office, and two copies thereof shall be certified under the official seal of the auditor, one of which shall be enclosed and directed to the secretary of state and be forwarded to the secretary of state in like manner as the first copy, but by different mail, and within five days after such first copy shall have been so transmitted. In the event that neither of such opies so transmitted shall be received by the secretary of state within twenty days after the election, the county auditor shall transmit, by a messenger to be deputed by him, upon notification from the secretary of state, another copy of such statement. If within twenty days after such election, no such copy shall have been received by the secretary of state from each county in the state, it shall be his duty to immediately notify the auditor of each county from which such returns have not been received of such statements or copies, the name of the auditor and his official residence and the words "Election returns."

SEC. 40. Any three of said county canvassing

official residence and turns."

SEC. 40. Any three of said county canvassing board shall constitute a quorum and are authorized to make the canvass provided for in the later than the said county can be later to the later turns.

SEC. 40. Any three of said county canvassing board shall constitute a quorum and are authorized to make the canvass provided for in the last section.

SEC. 41. The secretary of state shall call te his assistance two or more judges of the supreme court and two disinterested judges of the district court of this state, who shall constitute the State Canvassing Board. The secretary of state shall appoint a meeting of the State Canvassing Board, to be held in his office, the third Tuesday of December after each general election, and within thirty days after a special election. It a majority of said board shall be unable, or shall fail to attend on the day appointed, he shall select from among the disinterested judges of the supreme court, and notify to attend, as many as may be necessary te constitute the required number. Upon being notified said judges shall attend without delay, and, with the officers attending, shall form the board.

SEC. 42. The board, when formed, shall, upour the certified copies of the statements made by the County Canvassing Boards, proceed to make a statement of the whole number of votes given at such election for the various state officers, which statement shall contain the names of the persons to whom such votes have been given for any state office, and the whole number of votes given to each, distinguishing the several counties in which they were given. Said board shall certify such statement to be correct, and subscribe the same with their proper names.

SEC. 43. At the same time said canvassing board shall open the returns made to the secretary of state for members of congress, and for electors of president and vice president of the United States, and shall forthwith proceed to make a statement of the number of votes fiven for the said offices, and the person or persons having the highest number of votes for each office shall be considered duly elected; but if it appear that more than the number of votes for each office shall be considered duly elected; but if it appear that more than