

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

---

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS  
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.

---

SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

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.

*Second.* Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular, and words importing the masculine gender may be applied to females.

*Third.* Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons,

*Fourth.* The term "folio," when used as a measure for computing fees or compensation, or in any legal proceedings, means one hundred words, counting every figure necessarily used, as a word; and any portion of a folio, when in the whole draft or paper there is not a complete folio, and when there is any excess over the last folio, shall be computed as a folio.

*Fifth.* The word "highway" may include any road laid out by the authority of the United States or of this state, or of any town or county, and all bridges upon the same.

*Sixth.* The words "insane person" shall include every idiot, noncompos, lunatic, and distracted person; and the word "spendthrift" shall include every one who is liable to be put under guardianship on account of excessive drinking, gaming, idleness or debauchery.

*Seventh.* The word "issue," as applied to the descent of estates, shall include all the lawful lineal descendants of the ancestor.

*Eighth.* The word "land" or "lands," and the word "real estate," shall include lands, tenements, hereditaments, and all rights thereto and interests therein.

*Ninth.* The word "month" shall mean a calendar month, and the word "year" shall be equivalent to the expression "year of our Lord."

*Tenth.* The word "oath" shall include "affirmation" in all cases where by law an affirmation may be substituted for an "oath;" and in like cases the word "sworn" shall include the word "affirmed."

*Eleventh.* The word "person" may extend and be applied to bodies politic and corporate.

*Twelfth.* The words "preceding" and "following," when used by way of reference to any section of these statutes, shall mean the section next preceding or next following that in which such reference is made.

*Thirteenth.* When the seal of a court, public office or corporation is required by law to be affixed to any paper, the word "seal" shall include an impression of the official seal made upon the paper alone, as well as an impression made by means of a wafer or of wax affixed thereto.

*Fourteenth.* The word "town" may include cities and districts, unless such construction would be repugnant to the provisions of any act specially relating to such cities or districts.

*Fifteenth.* The term "will" shall be construed to mean codicils.

*Sixteenth.* The words "written" and "in writing" may include printing, engraving, lithographing, and any other mode of representing words and letters; but when the written signature of a person is required by law, it shall always be the proper handwriting of such person, or in case he is unable to write, his proper mark.

*Seventeenth.* The word "State," when applied to the different parts of the United States, shall extend to and include the District of Columbia and the several territories, so called; and the words "United States" shall include said district and territories.

*Eighteenth.* The word "felonious" shall mean criminal, and the word "feloniously" criminally, and the term "infamous crime" shall include every offense punishable with death or imprisonment in the state prison.

12 M. 293

§ 2. When statutes shall take effect. Every statute which does not expressly prescribe

the time when it shall go into operation, shall take effect throughout the state on the thirtieth day next after that on which it is approved by the governor, or otherwise becomes a law; but no general law shall take effect until published.

13 M. 153; 21 M. 22.  
 § 3. Effect of repeal. Whenever a law is repealed which repealed a former law, the former law shall not thereby be revived, unless it is so specially provided; nor shall such repeal affect any right which accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the law repealed.

## CHAPTER V.

## PRINTING AND DISTRIBUTION OF LAWS AND DOCUMENTS.\*

## SECTION.

1. Commissioners of public printing.
- 2-4. Printing, how let; classes; maximum prices.
- 6-14. Mode of executing each class of work. Measurement of work—default of contractor.
- 15-19. Inspection of work—auditing of accounts—mode of payment—delivery of work—furnishing of paper.
- 20, 21. Furnishing copy to printer—indexes—proof reading.
22. Laws printed with general certificate.
- 23-25. Journals, contents of and how printed.
- 26-31. Number of copies of reports, laws, etc.
- 32-36. Distribution of reports, journals, laws, etc.
37. Special laws to be sold at cost.

## SECTION.

38. What publication deemed official.
39. Preservation of surplus copies.
- 40, 41. Annual reports, when to be made.
- 42-48. Newspaper publication of laws.
- 49, 50. Legislative manual.
51. Advertising for state departments.

## PAPER AND STATIONERY. †

- 52, 53. Secretary to fix quantity, and call for bids.
- 54, 55. Requisites of bids—bonds of bidders and contractors.
56. Payment, how made—custody and distribution of paper and stationery—annual report to legislature.

\*§ 1. Commissioners of public printing. The secretary of state, state treasurer and state auditor, shall be *ex officio* commissioners of public printing during their terms of office respectively. (1874 c. 7, § 1.)

\*§ 2. Printing to be divided into five classes. The printing of the state is divided into classes, to be let in separate contracts, as follows: The printing and binding of all bills for the two houses of the legislature, together with such resolutions and other matters as may be ordered by the two houses, or either of them, or the officers thereof, other than in pamphlet form, constitute the first class, and shall be let in one contract; the printing and binding of the journals of the senate and house of representatives, and of such reports, communications, and other documents as enter into and make a part of the journals, constitute the second class, and shall be let in one contract; the printing and binding of all reports, communications, and other documents ordered by the legislature, or either branch thereof, or by the executive departments, to be printed in pamphlet form, together with the volumes of executive documents, and the legislative manual, constitute the third class, and shall be let in one contract; the printing and binding of the general and special laws, and joint resolutions, constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars, and other work necessary for the use of the executive departments, other than such as are printed in pamphlet form, and all printing not included in the foregoing classes, constitute the fifth class, and shall be let in one contract. (*Id.* § 2, as amended 1875, c. 138, § 1.)

\*§ 3. Advertisement for bids for public printing, &c.—maximum prices—requisites of bids. The commissioners of printing shall, during the first week in May, A. D. one

\*An act in relation to the printing and distribution of laws and documents, approved March 9, 1874. (Laws 1874, c. 7.) This act supersedes and repeals Laws 1868, c. 46, which superseded and repealed Gen. St. c. 5.

†An act to provide for the purchase of paper and stationer's supplies for the public printing, and for use in the legislature and state offices, approved March 9, 1874. (Laws 1874, c. 8.)