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THE

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
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THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

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§ 255. 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.

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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 offence punishable with death or imprisonment in the state prison.

(G. S. 1866, c. 4, § 1; G. S. 1878, c. 4, § 1.)

SUBD. 3. See *State v. Fleischer*, 41 Minn. 69, 70, 42 N. W. Rep. 696.

SUBD. 8. An owner of a right or interest in land, legal or equitable, is an owner of the land in which he possesses such right or interest, within this definition. *Wilder v. Haughey*, 21 Minn. 101, 106.

See, also, *Reynolds v. Fleming*, 43 Minn. 513, 45 N. W. Rep. 1099.

The easement of a railroad company in a street in which its track is laid is not "real estate," under this provision, as such construction is inconsistent with the legislative intent. *State v. County of Ramsey*, 31 Minn. 354, 17 N. W. Rep. 954.

SUBD. 11. A corporation indorsing a note by its authorized agent, is the "person" indorsing it, within § 5751. *First Nat. Bank of Rock Island v. Loyhed*, 28 Minn. 398, 10 N. W. Rep. 421.

"Person" may be construed to include and designate the state. *Forrest v. Henry*, 33 Minn. 434, 23 N. W. Rep. 848.

SUBD. 12. See *Humphill v. Holley*, 4 Minn. 233, (Gil. 166.)

SUBD. 14. Whether "town" means town, city, or incorporated village, may be apparent in a given case from the purpose of the statute. *Odegaard v. City of Albert Lea*, 33 Minn. 351, 23 N. W. Rep. 526.

SUBD. 18. "Feloniously," as thus defined, is applicable to misdemeanors as well as felonies. *State v. Hogard*, 12 Minn. 293, (Gil. 191.)

See, generally, *Banning v. Sibley*, 3 Minn. 389, (Gil. 282;) *Rothschild v. Boelter*, 18 Minn. 363, (Gil. 331;) *Wilder v. Haughey*, 21 Minn. 101, 106; *Beecher v. Stephens*, 25 Minn. 146.

§ 256. Same.

When the words "railroad" or "railroads" is used in any general or special law of this state, the same shall be deemed to apply alike to all railroads, without reference to the gauge thereof. (1879, c. 79, § 1.)

See § 2728.

¹"An act defining equal rights to railroads of different gauges." Approved March 8, 1879 (Laws 1879, c. 79; G. S. 1873, v. 2, c. 4, § 1, subd. nineteenth).

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§ 257. 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.

(G. S. 1866, c. 4, § 2; G. S. 1878, c. 4, § 2.)

A provision that an act shall take effect and be in force from and after its passage, is effectual, and *pro tanto* a repeal of this section. *State v. Welch*, 21 Minn. 22.

Due publication will be presumed, in the absence of any allegation to the contrary, *Lowell v. North*, 4 Minn. 32, (Gil. 15, 20;) and publication in a newspaper is sufficient, *Stine v. Bennett*, 13 Minn. 153, (Gil. 133.)

§ 258. 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.

(G. S. 1866, c. 4, § 3; G. S. 1878, c. 4, § 3.)

The repeal of Laws 1875, c. 5, § 52, did not revive Gen. St. 1866, c. 11, § 154; nor did Laws 1878, c. 1, § 120, have that effect. *Kipp v. Johnson*, 31 Minn. 360, 17 N. W. Rep. 957. See *Lambert v. Slingerland*, 25 Minn. 457, and note at head of chapter, *supra*.

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