

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
FRANCIS B. TIFFANY

ST. PAUL
WEST PUBLISHING CO.

1910

gal newspapers which have been published in newspapers which conformed in all respects to the statutes defining legal newspapers except that they were not issued or published on legal holidays or Thanksgiving day, or upon any day or days generally observed as holidays, or the day following either thereof be, and the same are, hereby legalized, and declared to be valid and sufficient for all purposes. ('07 c. 4 § 1)

Historical.—"An act to legalize certain newspaper publications." Approved January 18, 1907.

By section 2 it is provided that the provisions of the act shall not apply to or affect any action or proceeding now pending in any court in this state.

[5516—]1. **Newspapers qualified prior to Revised Laws—Affidavit—Curative.**—The publisher of any newspaper which was a legal newspaper on February 28th, 1906, or any person having knowledge of the facts and the existence of the conditions constituting its qualifications as such legal newspaper, may, at any time prior to July 1, 1907, make and file in the office of the county auditor of the county wherein such newspaper is printed and published, an affidavit stating that such newspaper was on February 28th, 1906, has ever since continued to be, and at the date of said affidavit was, printed and published in accordance with the laws of this state, in force and effect prior to March 1st, 1906, and thereupon the publication of all legal and official notices and matter made in such newspaper between February 28th, 1906, and the date of said affidavit in so far as the same are affected by the legal status of such newspaper, is hereby legalized and declared to be valid, and such affidavit shall be prima facie evidence of the facts constituting the qualifications and legality of such newspaper during the period from February 28th, 1906, to the date of such affidavit, and the provisions of sections, 5515 and 5516, Revised Laws, 1905, notwithstanding, but this act shall not be construed as modifying any of the provisions of sections 5515 and 5516, Revised Laws, 1905, except as herein provided, and any newspaper in order to be qualified as a legal newspaper, subsequent to the making of such affidavit, shall in all respects comply with the provisions of sections 5515 and 5516, Revised Laws, 1905. The provisions of this act shall not apply to any action or proceeding now pending in any of the courts in this state. ('07 c. 463 § 1)

Historical.—"An act legalizing certain newspapers and legal publications therein; and providing what shall constitute evidence thereof." Approved April 25, 1907.

CHAPTER 108.

EXPRESS REPEAL OF EXISTING LAWS.

5547. Laws not repealed.

Special laws.—Sp. Laws 1871, c. 73, and other special acts in reference to the board of county commissioners of Ramsey county were not repealed by the Revised Laws. "The reasons for these special provisions have not changed, and existed as fully when the Revised Laws were enacted as when the original statutes were passed. This, coupled with the fact that the Revised Laws were intended to cover only the General Statutes of the state, as shown by the act creating the revision commission, by which the commissioners were authorized to 'codify and revise the general laws,' and as further shown by the title to the act enacting the report of the commission, viz., 'An act to revise, consolidate and codify the general laws,' and the still further provisions of section 5547, * * * will not permit an inference that the Legislature intended to repeal the special enactments relative to Ramsey county. It is true that the language of the new statutes on the subject of county commissioners is broad and comprehensive, providing that 'every county shall have a board of five commissioners,' and that

§ 5547. EXPRESS REPEAL OF EXISTING LAWS. (Ch. 108.)

other provisions thereof are in conflict with the special laws in question; but this conflict existed under the old statute, and, though extended in some respects by the new, is merely carried forward and perhaps made more conspicuous. There is, however, no such conflict as prevents the operation of both statutes. An irreconcilable conflict arises only when the language of the Revised Laws is construed to include Ramsey county, and this can be done only by presuming what does not clearly appear, namely, an intention on the part of the Legislature to repeal the special laws. No reason for such repeal being present, the court should not, in the absence of express legislative declaration, indulge this presumption." State ex rel. Seng v. Peter, 101 Minn. 462, 112 N. W. 866.