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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

PART V

CONSTRUCTION OF STATUTES AND
EXPRESS REPEALS

CHAPTER 107

STATUTES

THE REVISED LAWS AND THEIR EFFECT

9398. How cited—When to take effect—Session laws not affected—

130-397, 153+758, Ann. Cas. 1916E, 157.

Cited and applied (131-332, 155+107).

9399. Former laws not revived—Vested rights not affected—

The repeal of 1899 c. 265 by this section did not affect payments ratified and validated by the statute (130-462, 153+876).

9402. Continuation of former laws—

The statutes embodied in a general revision are presumed not to have changed the former laws, unless such intention clearly appears (133-326, 158+606). Statutes, Ⓒ231.

9405. Same—Powers of commission—Copyright—

The legislature of 1905 did not enact the statements contained in the report of the commission (130-256, 153+324; 130-256, 153+593).

9406. Same—Published laws as evidence—

In ascertaining the intention of the legislature, recourse may be had to the report of the revising commission, taken in connection with the history of the law, the purpose sought to be accomplished by it, and the action of the legislature in changing or not changing the act as reported to them (133-326, 158+606). Statutes, Ⓒ231.

CONSTRUCTION

9408. When to take effect—

A statute enacted without the usual declaration as to the time it shall take effect, but which acts upon certain specified classes or persons at different dates, as to some from the date of enactment and as to others at a future date, goes into effect as an entirety and at the time prescribed by law for the taking effect of statutes after approval by the governor (133-178, 158+50). Statutes, Ⓒ248.

9409. Revision to operate as repeal, when—

135-145, 160+253.

9411. Rules of construction—

In general—Where two sections of a statute are inconsistent, the one must stand which best conforms to the intent and policy of the statute (134-131, 158+798). Statutes, Ⓒ207.

An amendment of a law is presumed to have been made with an intent to effect a change in the existing law (134-131, 158+798). Statutes, Ⓒ181(1), 230.

Effect of amendment of statute "to read as follows" stated (see 134-131, 158+798; 134-334, 159+798, L. R. A. 1917A, 1223). Statutes, Ⓒ164.

Subd. 1—The language of a statute is to be constructed in harmony with the ordinary rules of grammar, except where such construction will lead to a result obviously contrary to the intention of the legislature (124-34, 144+417, 51 L. R. A. [N. S.] 244). Statutes, Ⓒ189.

Subd. 3—Where three referees are appointed by the court to make a partition of real estate, a partition reported and concurred in by two of them is valid (133-49, 157+908). Partition, Ⓒ94(1).

There being now no "president of the common council" in the city of St. Paul, the direction in the municipal court act of that city that such president and the two judges of such court shall meet and select a jury list is complied with by the meeting and action of the judges alone, in view of this subdivision (134-309, 159+789). Jury, [§66\(2\)](#).

[9411—]1. **Amendment by reference to General Statutes 1913**—That all bills heretofore or hereafter introduced at this and subsequent sessions of the legislature purporting to amend or repeal any part or parts of the laws of this state by reference in the title and body of such bills to the General Statutes of Minnesota, 1913, shall be taken and construed to mean, and shall have the same force and validity as if the said bills referred to the original enactment or enactments in the Revised Laws of Minnesota for 1905, and the subsequent General Laws of Minnesota including those for the year 1905, and set forth in the General Statutes of Minnesota, 1913. ('15 c. 59 § 1)

9412. Particular words and phrases— * * *

8-A. Juvenile court—The words "juvenile court" shall mean the court having jurisdiction in the particular county over cases of dependent, neglected and delinquent children, whether the same be a district or probate court.
* * * (Amended '17 c. 233 § 1)

1917 c. 233 amends section 9412 by adding a new subdivision to be known as subdivision 8-A.

Subd. 6—The words "civil process" include the original summons in a civil action (132-389, 157+642). Holidays, [§5](#).

The service of summons on Lincoln's Birthday does not confer jurisdiction (132-389, 157+642). Holidays, [§5](#).

The publication of an ordinance of the city of St. Paul on Memorial Day is not unlawful (129-383, 152+777, Ann. Cas. 1916E, 845). Municipal Corporations, [§110](#).

Thanksgiving Day is not a holiday (129-522, 151+273). Time, [§10\(1, 2\)](#).

Subd. 14—130-202, 153+517; notes under § 9413, post.

Cited and applied (127-84, 148+891).

Subd. 15—"Filing" defined (121-173, 141+101).

Subd. 21—Thanksgiving Day, not being a legal holiday, is not included in this subdivision (129-522, 151+273). Time, [§10\(1, 2\)](#).

9413. Newspapers—Qualifications—

The proof of publication must show that the newspaper has a circulation of at least 240 copies at the place where the notice is given, and a mere statement that the newspaper has the requisite number of paid subscribers, without showing where the papers are actually circulated, is insufficient (130-202, 153+517). Taxation, [§706](#).

A newspaper 'qualified to publish legal and official notices held a newspaper of "general circulation" (123-1, 142+886). Newspapers, [§3\(1\)](#).

9418. Affidavit required—Evidence—

The affidavit required by this section to be filed with the county auditor is prima facie evidence of the qualification of a newspaper only in case it states "the required facts"; and showing that such an affidavit has been filed, without showing the facts stated therein, does not establish such qualification (130-202, 153+517). Taxation, [§706](#), 707.

[9419—]1. **Certain defective affidavits—Curative**—That all affidavits of the fact of the publication of any and all legal notices in any newspaper in this state heretofore made which omit to state, "That said newspaper has been circulated in and near its place of publication to the extent of at least two hundred and forty (240) copies regularly delivered to paying subscribers," such affidavits being in other respects in the form required by statute are hereby declared to be legal and valid and the record of such affidavits heretofore actually recorded in the office of the register of deeds of the proper county shall be in all respects legal and valid and such record shall have the same force and effect in all respects for the purpose of legal notice and evidence and otherwise as may be provided by law in other cases. ('17 c. 506 § 1)

[9419—]2. **Same—Pending actions**—Provided that the provisions of this act shall not apply to any action or proceeding now pending in any of the courts of this state. ('17 c. 506 § 2)