

1938 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1938)
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 General Sessions, and the 1933-34, 1935-36, 1936, and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General; construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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SAINT PAUL, MINNESOTA
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The title of Act Apr. 21, 1933, cited, purports to amend only subdivision 4 of this section. The amendment of the other subdivisions of the section is probably unconstitutional. The title of the act reads: "An act amending Mason's Minnesota Statutes of 1927, section 10935, subdivision 4, relating to legal newspaper qualifications."

Sec. 2 of Act Apr. 4, 1933, cited, provides that the act shall take effect from its passage.

Sec. 2 of Act Apr. 13, 1935, cited, repeals Laws 1933, chapters 151 and 373.

Act July 15, 1937, cited amends only subdivision (4).

St. Paul Legal Ledger giving information affecting credit and other news of official proceedings, held to "contain local and general news, etc." Legal Ledger, Inc., v. H., 176M120, 222NW646.

Record found to sustain legality of Midway News as a qualified medium for official and legal publications, though type was set by another concern. North Central Pub. Co. v. C., 198M335, 269NW835. See Dun. Dig. 7064.

Newspaper publisher, having no mechanical equipment whatever, but letting it to job shop, does not publish legal newspaper. Op. Atty. Gen., July 21, 1932.

Laws 1933, c. 373, amending this section, operates as a curative act only, and does not permit legal newspapers complying with law at time of passage to consolidate their shops and have various papers issued from one shop. Op. Atty. Gen., Oct. 31, 1933.

If some of present work is done at place of publication and if newspaper office at that place is equipped with skilled workmen and necessary materials for preparing and printing the paper, balance of paper may be printed in the adjoining village. Op. Atty. Gen. (314b-19), Dec. 28, 1934.

County board proceedings cannot be published in a newspaper that is not legally qualified, such as one which has not been in circulation for a year. Op. Atty. Gen. (314b), Dec. 31, 1934.

Laws 1933, c. 373, is unconstitutional insofar as provisions thereof purport to amend subd. (1), (2), (3), of this section, and a newspaper is a legal paper providing it has qualified under requirements of this section for at least one year preceding passage of Laws 1935, c. 166. Op. Atty. Gen. (314b-3), May 17, 1935.

Provision for suspension of publication for not more than three months resulting from destruction of office by fire, applies to year during which newspaper is attempting to qualify as a legal newspaper. Op. Atty. Gen. (314h-6), Mar. 2, 1936.

In absence of provision to contrary, notices, etc., published by department of administration and finance must be published in legal newspaper. Op. Atty. Gen. (277a-10), Feb. 25, 1937.

(1). A legal newspaper need not be of any specified size, but it must be equivalent in space to at least four pages with five columns to the page, each seventeen and three-fourths inches long. Op. Atty. Gen., Dec. 3, 1931.

(4). On change from weekly to semi-weekly, new edition is not legal newspaper until it has been published for at least one year. Op. Atty. Gen., Dec. 11, 1933.

Printer's affidavit, Form 67 in Appendix 1 (Mason's 1934 Supp.), should be modified so as to conform with requirements as to qualification of a legal newspaper as stated in Laws 1933, c. 373. Op. Atty. Gen., Feb. 1, 1934.

Where proof is not furnished county auditor within the required 10 days, the legal standing of the newspaper is forfeited, and is not reinstated by furnishing such proof 25 days after notice. Op. Atty. Gen. (314b-5), June 28, 1934.

10937. Published notice.

Op. Atty. Gen., Mar. 14, 1929; note under §10933.

Advertisement on a date which falls on a legal holiday is valid, but one falling on Sunday is not valid. Op. Atty. Gen. (276d), Mar. 4, 1936.

10939-1. Fees for publication of legal notices.

Publication of wheat production and acreage statements of members of association of county, made in compliance with regulations of agricultural adjustment administration, is not a legal publication as respects rates. Op. Atty. Gen., Nov. 8, 1933.

Publisher was not entitled to extra compensation for printing tabular matter. Op. Atty. Gen., Nov. 9, 1933.

This section does not take precedence over Laws 1895, c. 8, §146. Op. Atty. Gen., Dec. 13, 1933.

Where personal property tax list is given for publication to a newspaper without any agreement as to charges, the rate fixed by law as the limit of compensation becomes a part of the contract. Op. Atty. Gen. (277a-11), Feb. 25, 1936.

10940. Duties of State Printer—Preparation of forms.—The state expert printer shall biennially issue a pamphlet containing a description and facsimile copy, and style of composition, as near as can be, of all notices required by law to be published by public officials in a newspaper in this state, for distribution; such forms of official notices to be prepared by the attorney general before being issued for distribution by the state expert printer, and such forms when so prepared and so issued shall become a guide for public officials in the publication of such official and legal notices in newspapers. (As amended Mar. 19, 1937, c. 78, §1.)

10950-4. Mason's Minnesota Statutes to be prima facie evidence.—Mason's Minnesota Statutes of 1927 shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication. (Act Feb. 1, 1929, c. 6.)

10950-5. 1931 supplement to Mason's Statutes to be prima facie evidence of the statutes therein contained.—The 1931 Supplement to Mason's Minnesota Statutes of 1927 shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof of authentication. Act. Apr. 15, 1933, c. 254.)

10950-6. 1934 Supplement to Mason's Minnesota Statutes of 1927 to be prima facie evidence of the statutes therein contained. The 1934 Supplement to Mason's Minnesota Statutes of 1927 shall be prima facie evidence of the Statutes therein contained. (Act Feb. 27, 1935, c. 24.)

10950-7. 1936 Supplement to Mason's Minnesota Statutes of 1927 to be prima facie evidence of the statutes therein contained.—The 1936 Supplement to Mason's Minnesota Statutes of 1927 shall be prima facie evidence of the statutes therein contained. (Act Feb. 13, 1937, c. 24.)

CHAPTER 108

Express Repeal of Existing Laws

10962. Session Laws of 1875.

Repeal of Laws 1875, c. 139, by §10962, did not affect villages, such as Heron Lake, operating thereunder, and such laws govern repairing of sidewalks and paving of streets. Op. Atty. Gen. (484e-4), Apr. 15, 1936.

10963. Session Laws of 1876.

Repeal of ch. 28 is modified by the provisions of §7429 herein. Op. Atty. Gen., May 3, 1930.

10967. Session Laws of 1881.

Repeal of Laws 1875, c. 139, by §10962, did not affect villages, such as Heron Lake, operating thereunder, and such laws govern repairing of sidewalks and paving of streets. Op. Atty. Gen. (484e-4), Apr. 15, 1936.

10970. Session Laws of 1885.

This repealer is modified as to villages organized and operating under the village code of 1885, by §1109 herein. Op. Atty. Gen., Jan. 16, 1930.

10975. Session Laws of 1895.

This repealer is modified as to villages organized and operating under the 1885 village code, by §1109 herein. Op. Atty. Gen., Jan. 16, 1930.

Laws 1895, c. 257, authorizing villages to purchase or rent fire apparatus was not repealed by this section. Op. Atty. Gen., Oct. 6, 1931.

10978. Session Laws of 1901.

This section repeals Law 1901, c. 252. Op. Atty. Gen., Apr. 27, 1933.