

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 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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10846-6. Reclassifications.

Classification board only has jurisdiction over prisoners committed after passage of act. Op. Atty. Gen. (344b), June 14, 1935.

10846-8. Expenses of board to be paid.

Expenses for keeping prisoners prior to time they are classified, clerk hire, examination by physician and psychiatrists and other necessary expenditures should be paid from funds of state reformatory and state prison in such proportion as board of control shall determine. Op. Atty. Gen. (344b), June 14, 1935.

EMPLOYMENT OF PRISONERS IN CONSERVATION WORK

10846-11. Convicts to do conservation work.—The state board of control is hereby authorized within its discretion, to use selected convicts in work in the nature of general conservation, reforestation, soil erosion control, soil rehabilitation and cultivation upon any land within the control of the state board of control. (Act Apr. 25, 1935, c. 297, §1.)

10846-12. Board of control may acquire land.—To carry out the purposes of the preceding section, the state board of control shall have power to acquire for specified periods of time, by agreement in writing, control of any land which is within the jurisdiction or control of any state department or agency, and any state department or agency having land under its jurisdiction or control, is authorized on agreed terms to deliver control of such land to the state board of control for the purposes specified in section 1. (Act Apr. 25, 1935, c. 297, §2.)

10846-13. May expend moneys.—For the purposes of this act, the state board of control may lawfully expend moneys from any of the following funds: (a) The current expense appropriations of the state reformatory and state prison; (b) Revolving funds at either of these institutions, including funds heretofore appropriated for building purposes for the State Prison or the State Reformatory; and (c) The contingent fund appropriation of the state board of control. Provided, however, that no more money shall be expended for such purposes than \$50,000.00 in the aggregate during the next biennium. (Act Apr. 25, 1935, c. 297, §3.)

Board of control has authority to expend funds from year to year without specific authorization. Op. Atty. Gen. (88a-2), Dec. 15, 1936.

10846-14. Warden to make selection.—Whenever convicts may be required to be used in any work as provided for in this act, they shall be selected, with the approval of the state board of control, by the warden of the state prison or superintendent of the state reformatory in the following manner and order of preference:

(1) Suitable paroled convicts who are being detained awaiting private employment;

(2) Convicts who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the heads of the institutions, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in this act. (Act Apr. 25, 1935, c. 297, §4.)

10846-15. Rescues and escapes.—Any rescue or escape or attempted escape of or by a convict while without the confines of the state prison or reformatory under the provisions of this act, shall be deemed a rescue or escape or attempted escape within the meaning of Mason's Minnesota Statutes of 1927, Sections 10004 to 10012, inclusive. (Act Apr. 25, 1935, c. 297, §5.)

See §§208-1 to 208-9 creating probation and investigation department in certain counties.

MISCELLANEOUS PROVISIONS

10846-21. Barter and exchange of prison made goods prohibited.—That no goods, wares or merchandise manufactured, produced or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal and/or reformatory institutions in this or any other state shall be bartered, traded or exchanged by such penal institutions for any other goods, wares or merchandise of any kind whatsoever for use in such penal institutions. (Apr. 24, 1937, c. 444, §1.)

Sec. 2 of Act Apr. 24, 1937, cited, provides that the Act shall take effect from its passage.

CHAPTER 106**Jails, Lockups, Work Farms, and Juvenile Offenders****COUNTY JAILS****10847. How constructed and maintained.**

County has no authority to pay rent, fuel or light bills of a sheriff's residence apart from the county jail, even during process of rebuilding the jail. Op. Atty. Gen., Sept. 16, 1931.

10849. United States prisoners.—Whenever any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and remedies as though committed under process issued under state authority. The United States shall pay to the county the sum of one dollar per day for each prisoner so kept and boarded, subject to such division of fees between the county and the sheriff as is now provided by law. (R. L. '05, §5464; G. S. '13, §9336; '17, c. 304, §1; Mar. 27, 1931, c. 91.)

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 23, 1930.

A county is not required to receive federal prisoners if it does not want to take them, and the matter of payment of compensation to a matron for women prisoners is a matter to be taken up with the Federal Government. Op. Atty. Gen., Aug. 11, 1931.

A county cannot enter into a contract with federal government agreeing to board federal prisoners at a rate less than \$1 per day. Op. Atty. Gen., June 18, 1933. In absence of negligence sheriff is not liable for loss of money held for federal prisoner in jail safe. Op. Atty. Gen., July 27, 1933.

10853. Labor for jail prisoners.

Prisoners may be kept at a road camp at night when working at a distance from the county seat. Op. Atty. Gen., Apr. 30, 1929.

Op. Atty. Gen., Mar. 24, 1933; note under §10907.

County is not liable for injuries received by prisoner in county jail while working. Op. Atty. Gen., Mar. 13, 1933.

County is not liable for medical attention to discharged prisoner who was injured while working pursuant to this section. Op. Atty. Gen., Mar. 13, 1933.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

City council may allow a man who has been sentenced to a fine or imprisonment to pay his fine by working for city instead of serving jail sentence. Op. Atty. Gen. (341), Sept. 24, 1935.

City may by ordinance provide that prisoners perform labor instead of being fined, if §§10853 to 10856 are followed as to procedure. Op. Atty. Gen. (341), Dec. 7, 1935.

10857. Compensation for boarding prisoners.—Every sheriff in charge of a county jail shall receive from the county compensation for board and washing for prisoners as follows:

On the last day of each month he shall render to the county board a verified statement showing the

name of each prisoner and the number of days boarded. The pay shall be seventy-five cents per day and proportionately for a fractional day for each prisoner. In every county where the sheriff's compensation for board of prisoners is fixed by special law, it shall so continue unless the county board by unanimous vote shall elect to come under the general law after which it shall be governed by this section provided that the provisions of this Act shall not apply to any county in this state now or hereafter having a population of more than seventy-five thousand (75,000). (R. L. '05, §5472; '09, c. 192, §1; G. S. '13, §9344; '17, c. 184, §1; Apr. 15, 1933, c. 251; Apr. 24, 1935, c. 262.) Op. Atty. Gen. (91h), April 15, 1939; note under §10879.

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 28, 1930.

Sheriff is only entitled to receive 55c per day for boarding of federal prisoners unless such compensation is fixed by special law in counties containing more than 75,000 inhabitants. Op. Atty. Gen., June 6, 1933.

This act became operative on April 16, 1933. Op. Atty. Gen., June 24, 1933.

City must pay county actual cost and expenses incurred by county in care of city prisoner, §10879 controlling over this section. Op. Atty. Gen., Sept. 25, 1933.

This section is not controlling in determining amount of reimbursement to be paid county by villages under §10879. Op. Atty. Gen. (563a), Feb. 15, 1939.

10858. Collection of board bills.

Sheriff must pay over to county all sums received for board of federal prisoners and then file his claim against the county. Op. Atty. Gen., Nov. 9, 1929.

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 28, 1930.

Sheriff is not entitled to receive cash for part of prisoners' board bill which is paid for keep of federal prisoners and for which government pays cash. Op. Atty. Gen., Oct. 14, 1932.

Sheriff's bill for boarding prisoners must be submitted to county board and allowed by them, and this applies to board of federal prisoners. Op. Atty. Gen., Oct. 14, 1932.

County has authority to require cities and villages to reimburse county for care of prisoners sent to county jail for violation of city and village ordinances. Op. Atty. Gen. (341m), June 18, 1934.

10859. Charges for other than county prisoners.—

Whenever any prisoner is ordered confined in any county other than that in which his offense was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board eighty-five cents per day, except that when there are not more than three prisoners in such county jail the charge for such board shall be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail. (R. L. '05, §5474; G. S. '13, §9346; Apr. 24, 1929, c. 320.)

Op. Atty. Gen., Sept. 25, 1933; note under §10857.

Op. Atty. Gen. (91h), April 15, 1939; note under §10879. The eighty-five cents collected by sheriff must be turned over to county, and he is only entitled to receive seventy-five cents back. Op. Atty. Gen., Nov. 9, 1929.

Where one was convicted of crime in Clearwater County and sentenced to county jail of Beltrami County, in which county prisoner had legal settlement, Clearwater County, and not Beltrami County, was liable for surgical treatment of prisoner. Op. Atty. Gen., Apr. 29, 1932.

This section is not controlling in determining amount of reimbursement to be paid county by villages under §10879. Op. Atty. Gen. (559a), Feb. 15, 1939.

10861-11 to 10861-16. [Repealed.]

Repealed Apr. 6, 1937, c. 164, §7, post, §10861-23.

10861-17. Sheriff to board prisoners in certain counties.—In any County in this State now or here-

after having a population of over 250,000 and less than 350,000 inhabitants in which county there is located a city of the first class having a population in excess of 250,000 inhabitants, the sheriff shall purchase all necessary foodstuffs and shall have same prepared and served to the prisoners confined in the County Jail of such County, but he shall receive no compensation therefor in addition to his salary as fixed by law. (Apr. 6, 1937, c. 164, §1.)

10861-18. County to equip kitchen.—The County Board of said County shall equip the County Jail with all necessary cooking and serving utensils for feeding of prisoners and shall furnish all fuel, gas, electricity and supplies necessary for preparing said food for said prisoners. (Apr. 6, 1937, c. 164, §2.)

10861-19. Sheriff to appoint employees.—The sheriff of said County shall appoint and employ one assistant, whose duty it will be to check up daily purchases, keep proper records and at the first meeting of each month present to the Board of County Commissioners all bills for foodstuffs purchased the preceding month, and such bills shall be allowed in the same manner as provided by the laws relating to the allowance of claims by County Boards. The compensation of said assistant shall be One Hundred (\$100.00) Dollars per month. Such assistant shall have the power and authority of a Deputy Sheriff under the laws of this State, and before entering upon said duties shall take the oath of such office and shall furnish a bond in the same manner. (Apr. 6, 1937, c. 164, §3.)

10861-20. Limit to compensation of employees.—The sheriff of said County shall appoint and employ a cook and such assistants as may be necessary to have charge of the preparation and serving of all such food and said sheriff shall fix their compensation, but at no time shall such combined compensation exceed Two Hundred Twenty-five (\$225.00) Dollars per month, which shall be paid in the same manner as the salaries of other County employees are paid. Such cook and assistants shall have the power and authority of deputy sheriffs under the laws of this State and before entering upon said duties shall take the oath of such officers and shall furnish a bond in the same manner. (Apr. 6, 1937, c. 164, §4.)

10861-21. Sheriff to keep record.—The sheriff shall keep a record of feeding all prisoners, except such prisoners as are confined in such jail for violation of the laws of the State of Minnesota, and render a statement to the governmental agency responsible for such confinement monthly or quarterly, and all moneys received therefrom shall be turned over to the Treasurer of Ramsey County through the County Auditor of Ramsey County. (Apr. 6, 1937, c. 164, §5.)

10861-22. Sheriff may employ trustees in kitchen.—The sheriff may furnish and use such prisoners confined in said jail, to be known as trustees, as may be required to aid and assist in the kitchen and for the purpose of serving food to prisoners confined in said jail. (Apr. 6, 1937, c. 164, §6.)

10861-23. Law repealed.—That Laws 1927, Chapter 191, be and the same is hereby repealed. (Apr. 6, 1937, c. 164, §7.)

10863. Clothing, bedding, food and care.

Op. Atty. Gen. (91h), April 15, 1939; note under §10879. County must furnish the sheriff with fuel for cooking purposes. Op. Atty. Gen., Jan. 6, 1932.

County, and not township of pauper's settlement, is liable for medical aid furnished him while a prisoner in county jail. Op. Atty. Gen., Mar. 21, 1933.

Village has no obligation to reimburse county for medical care furnished to violators of village ordinances kept in county jail. Op. Atty. Gen. (559a), Feb. 15, 1939.

10873. District jails—How designated.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

10874. Condemnation of jails.

If conditions supporting order of board of control condemning jails no longer exist and such board arbitrarily refuses to modify its former order, matter may be brought on for hearing in district court upon a petition for a writ of mandamus. Op. Atty. Gen. (127b), Apr. 6, 1934.

LOCKUPS**10875. How established.**

St. Paul City Workhouse is not a "lockup" within meaning of this act. Op. Atty. Gen. (59a-14), June 22, 1936.

10879. Cities may send prisoners to jails outside.

A city or village must pay the county the necessary costs and expenses in taking care of a prisoner sentenced for violation of an ordinance. Op. Atty. Gen., Sept. 10, 1931.

City must pay actual cost and expenses incurred by county in care of prisoners regardless of §§10857, 10859. Op. Atty. Gen., Sept. 25, 1933.

County has authority to require cities and villages to reimburse county for care of prisoners sent to county jail for violation of city and village ordinances. Op. Atty. Gen. (341m), June 18, 1934.

Villages must reimburse counties necessary costs and expenses incident to taking care of prisoners in county jail who have violated village ordinances. Op. Atty. Gen. (559a), Feb. 15, 1939.

Village has no obligation to reimburse county for medical care furnished to violators of village ordinances kept in county jail. Id.

Section also applies to villages. Id.
Village must reimburse town for medical aid furnished to violators of village ordinances kept in county jail. Op. Atty. Gen. (91h), April 15, 1939; overruling Op. Atty. Gen., Nov. 12, 1925, and Feb. 15, 1939.

10884. Board of control may condemn.

State Board of Control has no authority to condemn St. Paul City Workhouse. Op. Atty. Gen. (59a-14), June 22, 1936.

WORK OR CORRECTIONAL FARMS IN CERTAIN COUNTIES**10880. Counties having over 150,000 and less than 225,000 inhabitants.**

County cannot maintain two tracts of land forty miles apart as a work farm, but may abandon one farm and purchase another. Op. Atty. Gen., June 19, 1929.

10892. Land, how acquired—Improvements—Prisoners.—The board of county commissioners of any such county as shall decide to acquire the land for and establish such work farm under the provisions of this law, shall have the power to acquire by purchase or condemnation a tract of land of not more than 4,500 acres, which land said county may acquire and hold in its own name, or jointly with any such city as shall decide to co-operate with any such county in the purchase of said land in the establishment of such farm, and as such shall furnish and pay one-half of the cost thereof.

That said county may singly, or in co-operation with such city, through the commission herein provided for, improve such farm by the erection of fences and suitable buildings thereon, and in such other ways as may be found necessary by it in order to accomplish the purpose for which said farm shall be established, and all such improvements when made by such county and city acting jointly through such commission shall be the joint property of such county and city.

The Superintendent of said work farm shall cause all prisoners confined thereon to be employed at hard labor, as far as practicable, either upon the said farm or elsewhere in said county, in order to enable said prisoners to be engaged in productive employment and to be self-supporting. (G. S. '13, §9377; '13, c. 188, §4; Apr. 15, 1929, c. 197, §1.)

10896. Appropriations—Tax levy.—Any such county wishing and deciding to provide a work farm by itself alone as indicated in Mason's Minnesota Statutes of 1927, Section 10890 may through its county commissioners appropriate the first year not to exceed the sum of \$35,000 for the purchase of the land and establishment and equipment of the same, or not to exceed the sum of \$20,000 if it shall decide to provide such work farm in co-operation with any such city, as herein provided.

Such work farm commissioners shall determine by resolution each year, prior to July 1st, the amount of money necessary for the equipment and maintenance of the work farm the following year, over and above the probable receipts for the account of said work farm fund from all sources other than taxes, and a certified copy of such resolution shall be forthwith forwarded to the county board, if such work farm be established and maintained by such county alone, and such board shall at its regular meeting in July include such amount in its annual levy of county taxes for the ensuing year, unless after due hearing such amount be determined to be excessive and unnecessary, in which event such amount may be reduced accordingly by the board.

That in case such work farm be established and maintained by any such county and city jointly, certified copies of such resolution determining the said amount necessary for the equipment and maintenance of said work farm for the following year, shall be forthwith forwarded to the county board of such county and to the city council of such city, and such board shall at its regular meeting in July, and said city council shall at some meeting prior to October tenth, include the proper share of said county and city in their annual levies of county and city taxes, respectively, unless such amounts shall be reduced by said county board and city council in the manner hereinbefore provided, to amounts that shall be deemed reasonable and necessary by said county board and said city council.

But in no case shall the amount of such levy in any one year after the first year exceed the sum of three-tenths of one mill on the dollar of the assessed valuation of property in said county, when said work farm is maintained by such county alone; nor exceed the sum of one-tenth of one mill on the dollar of the assessed valuation of property in said county, for said county's share, of such tax levy for said work farm fund, when said work farm shall be maintained by said county and city jointly. Such amounts when collected shall be apportioned by the county auditor and be credited to the "county work farm fund" or to the "joint county and city work farm fund", as the case may be. At the end of each year any balance remaining in said "joint county and city work farm fund", to the credit of said city's share shall be apportioned and paid to said city, if the council of said city shall so demand.

All moneys received for such work farm shall be deposited in the treasury of said county to the credit of such fund and shall not be used for any other purpose, and shall be drawn upon the proper officials of said county upon the properly authenticated vouchers of said "board of work farm commissioners" or "board of joint county and city work farm commissioners," as the case may be. (As amended Mar. 7, 1939, c. 55.)

10906-2. Same—County board as board of work farm commissioners—Overseer or superintendent.

Superintendent of county work farm in county having 150,000 population and 5,000 sq. miles may transport discharged inmates back to place of sentence. Laws 1939, c. 44, app. March 4.

10907. Transfer of prisoners from jail to work-house authorized.

Act Mar. 4, 1939, c. 44, provides that in counties having population of 150,000, and area of more than 5,000 square miles, the superintendent of a work farm may furnish transportation to discharged inmates from the farm to the place of their conviction at the expense of the county.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

JUVENILE OFFENDERS**10910. Duties—Contingent fund.**

See §§208-1 to 208-9.

10911. Duty of probation officer.

See §§208-1 to 208-9.

10912. Stay of sentence.
See §§208-1 to 208-9.

10915-8. Same—Contingent fund for expenses.—A contingent fund of \$2,500 per annum for the payment of transportation and incidental expenses incurred shall be set aside in the treasury of said county annually to be paid out only upon order of the court upon proper vouchers. Such probation officer, assistant probation officer or deputy probation officers may be allowed the sum of five cents per mile for actual mileage traveled when using their own automobiles in the performance of their duties which shall be paid to them monthly out of the above fund. ('23, c. 289, §8; Apr. 21, 1939, c. 362, §1.)

Editorial note.—Sec. 3 of Act Apr. 21, 1939, cited, provides that the act shall take effect Jan. 1, 1940. The title of the act purports to amend "Laws 1923, chapter 289, sections 8, 12, and 16, as amended." The body of the act does not amend §16.

10915-11. Same—Annual report.

The county board of Ramsey County, the probation officer and the judge of district court may, in their discretion, print copies of annual report of probation officer of juvenile court and distribute them among welfare agencies, priests and ministers. Op. Atty. Gen., May 26, 1931.

10915-12. Same—Salaries to be fixed by district judges.—The chief probation officer, assistant probation officer, deputy probation officers and all other employees in the office of the probation officer shall receive such compensation as shall be fixed by the judges of the district court of any such county. ('23 c. 289, §12; '27, c. 420, §3; '29, c. 380; Apr. 20, 1931, c. 257; Apr. 15, 1935, c. 190; Apr. 21, 1939, c. 362, §2.)

See note under §10915-8.

Part V. Construction of Statutes and Express Repeals

CHAPTER 107

Statutes

THE REVISED LAWS AND THEIR EFFECT

10918. How cited—When to take effect—Session laws not affected.

Revisor of statutes created. Laws 1939, c. 442.

10922. Continuation of former laws.

An intent to change the law will not be lightly inferred from a mere change of phraseology in a revision. Gilroy's Estate, 193M349, 258NW584. See Dun. Dig. 8961.

A revision of existing statutes is presumed not to have changed their meaning, even if there be phraseological alterations, unless an intention to change clearly appears from language of revised statute when considered in connection with subject-matter of act and its legislative history. State v. Montague, 195M278, 262NW684. See Dun. Dig. 8961.

Reenacted statute should receive the known, settled construction which it had received when previously in force. Wenger v. W., 200M436, 274NW517. See Dun. Dig. 8965.

CONSTRUCTION

10928. When to take effect.

Amending act which did not specifically provide when it was to take effect went into effect from and after its approval. Venteicher, 202M331, 278NW581. See Dun. Dig. 8946.

A tax statute, like any other statute will not be given a retrospective effect in the absence of an express command or a necessary implication. Board of Education v. A., 285NW80. See Dun. Dig. 9173.

Act takes effect the beginning of the day following its approval. Op. Atty. Gen., Apr. 9, 1929.

Laws 1933, c. 251, approved on April 15, became operative on April 16. Op. Atty. Gen., June 24, 1933.

Rule against retroactive legislation as a basic principle of jurisprudence. 20 MinnLawRev 775.

10929. Revision to operate as repeal, when.

State v. Schimelpfenig, 192M55, 255NW258; note under §§297, 10933(21).

Section 1538-1 does not repeal or modify the provisions of the charter of the City of St. Paul providing for condemnation of land for street and highway purposes. 177M146, 225NW86.

When two legislative acts are not expressly repugnant, but later act covers entire subject-matter of earlier and does not purport to amend it, and if it plainly appears that later act was intended as a substitute for earlier, it will operate as a repeal of former. Board of Education v. B., 192M367, 256NW894. See Dun. Dig. 8926.

If a statute is manifestly inconsistent with a prior statute covering the same subject, it repeals it, in whole or pro tanto, without any repealing clause, in absence of an expressed intention to contrary. Bemis Bro. Bag Co. v. W., 197M216, 266NW690. See Dun. Dig. 8927.

Prior statutes may be resorted to for purpose of solving, but not to create, an ambiguity, and if language of revision indicates an intention to adopt meaning of a prior statute, revised statute will be given that effect. Wenger v. W., 200M436, 274NW517. See Dun. Dig. 8961.

10930. Effect of repeal.

Sheriff agreeing to pay detective \$25 for each conviction for violation of liquor laws could pay such amount in pending cases for convictions occurring after effective date of Laws 1933, c. 130. Op. Atty. Gen., Apr. 28, 1933.

10931. Amendments validated.

An erroneous reference included in an amendatory act identifying statute to be amended may be eliminated as surplusage and statute read as corrected, where legislative intention is clear. Bull v. K., 286NW311. See Dun. Dig. 8985.

10932. Rules of construction.

½. Rules of construction in general.

Taxing statutes are generally construed with strictness. Webber v. K., (CCA8), 97F(2d)921.

Where legislative intent is reasonably apparent, court may properly disregard punctuation or repunctuate if necessary, to arrive at natural meaning of language used. Great Atlantic & Pacific Tea Co. v. E., (DC-Minn), 23F Supp70.

Legislative re-enactment of a statute will not validate an erroneous interpretation of it by an administrative official. Hanson v. L., (DC-Minn), 24FSupp535.

An erroneous construction of a revenue statute by an administrative officer is not binding on the courts. Id.

The court may look to the legislative history in construing a statute when there may be doubt on the subject. Twin Ports Oil Co. v. P., (DC-Minn), 26FSupp366.

Prima facie effect of similar South Dakota law construed. Berlin v. K., 183M278, 236NW307. See Dun. Dig. 8821, 8937a(99), 8956.

As between a statutory provision with special and limited application, and another, general in scope, special controls general within former's limited field. Rosenquist v. O., 187M375, 245NW621. See Dun. Dig. 8970.

Ambiguity will be resolved in favor of state. State v. Walsh, 188M412, 247NW523. See Dun. Dig. 8990.

Literal meaning of statute is not always conclusive, and there must be resort to construction when words, otherwise plain, result in ambiguity when applied to their subject-matter. State v. Walsh, 188M523, 247NW523. See Dun. Dig. 8938.

Strict construction of statutes in derogation of common law must not be used as cover for extraconstitutional limitations on legislative power. State v. Minneapolis, St. P. & S. S. M. Ry. Co., 190M162, 251NW275. See Dun. Dig. 1602.

However radical its change, a statute is not to be so narrowed by construction as to defeat its purpose, simply because it is an innovation on common-law principles. Id. See Dun. Dig. 8958.

Rules of judicial construction require that so far as possible conflicting provisions of a city charter be harmonized in conformity with announced legislative policy of state. State v. Erickson, 190M216, 251NW519. See Dun. Dig. 8951.

Fundamental rules of construction of statutes is to give effect to intention of legislature as expressed in language used. Id. See Dun. Dig. 8940.

Where there is a conflict, law later in point of original enactment will control. Id. See Dun. Dig. 8961.

Where facts are undisputed and provisions of ordinance are unambiguous and stated in clear language,