

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
REPORTER SYSTEM

COMPLETE IN TWO VOLUMES

VOL. 2

CONTAINING

Sections 4822 to 8054 of the General Statutes, and the General Index

ST. PAUL, MINN.
WEST PUBLISHING CO.

1894

CHAPTER 121.

OF THE GENERAL STATUTES AND THEIR EFFECT.

§ 7512. General Statutes of 1866, how to be cited.

This act shall not, in any citation or enumeration of the statutes, be reckoned as one of the acts of the present year, but may be designated as the General Statutes, adding, when necessary, the number of the chapter and section.

(G. S. 1866, c. 121, § 1; G. S. 1878, c. 121, § 1.)

§ 7513. To take effect, when.

The General Statutes aforesaid shall take effect and go into operation from and after the thirty-first day of July, in the year eighteen hundred and sixty-six.

(G. S. 1866, c. 121, § 2; G. S. 1878, c. 121, § 2.)

§ 7514. Repeals not to revive former laws.

The repeal of the acts and resolves, and parts of acts and resolves, revised and re-enacted herein, or repugnant to the provisions hereof, shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished.

(G. S. 1866, c. 121, § 3; G. S. 1878, c. 121, § 3.)

Repeal by implication. *State v. Archibald*, 43 Minn. 323, 45 N. W. Rep. 606.

§ 7515. Same—Not to affect acts done, rights accrued, etc.

It shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any action or proceeding had or commenced in a civil cause, before the repeal takes effect; but the proceedings thereon, shall, when necessary, conform to the provisions of the General Statutes.

(G. S. 1866, c. 121, § 4; G. S. 1878, c. 121, § 4.)

Provisions of the General Statutes of 1866, simply affecting the limitation law as to a cause of action existing at the time of their adoption, are not controlled by this section, as the legislature had power to change the law of limitations as to existing rights. *Brisbin v. Farmer*, 16 Minn. 215, (Gil. 187.)

The repeal by the General Statutes of 1866 of c. 27, Laws 1862, did not restore liens which had been extinguished by operation of that act. *Grace v. Donovan*, 12 Minn. 580, (Gil. 593.)

Section 254, c. 66, Gen. St. (see § 5425), limiting the lien of judgments to ten years, has no application to prior judgments, the lien of which was preserved by compliance with the provisions of chapter 27, Laws 1862. Such judgments were saved by this section. *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202.)

See, also, *State v. Foley*, 30 Minn. 350, 15 N. W. Rep. 375.

§ 7516. Same—Not to affect penalties incurred, except, etc.

It shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed; except that where a punishment, penalty or forfeiture is mitigated by the provisions of the General Statutes, such provisions may be extended and applied to any judgment pronounced after said repeal.

(G. S. 1866, c. 121, § 5; G. S. 1878, c. 121, § 5.)

§ 7517. Same—Not to affect actions pending, etc.

It shall not affect any action or prosecution pending at the time of the repeal, for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the acts repealed, except that the proceedings therein shall, when necessary, conform to the provisions of the General Statutes.

(G. S. 1866, c. 121, § 6; G. S. 1878, c. 121, § 6.)

§ 7518. Period of limitation to continue to run.

When a limitation or period of time prescribed in any of the acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to

MINNESOTA STATUTES 1894

§§ 7518-7520 GENERAL STATUTES AND THEIR EFFECT. [Ch. 121

run, and the same or similar limitation is prescribed in the General Statutes, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of the General Statutes.

(G. S. 1866, c. 121, § 7; G. S. 1878, c. 121, § 7.)

This section and §§ 5425, 5442, have the effect to preserve both the lien of a judgment rendered and docketed on August 22, 1863, and the right to issue execution thereon, for a period of ten years. *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202,) and *Lamprey v. Davidson*, 16 Minn. 480, (Gil. 435,) followed. *Erickson v. Johnson*, 22 Minn. 380.

§ 7519. Tenure of offices preserved.

All persons who, at the time when said repeal takes effect, hold any office under any of the acts repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision is made by the General Statutes.

(G. S. 1866, c. 121, § 8; G. S. 1878, c. 121, § 8.)

§ 7520. General Statutes of 1866 to be construed as continuation of former laws.

The provisions of the General Statutes, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments; and references, in laws not repealed, to provisions of laws incorporated into the General Statutes, and repealed, shall be construed as applying to the same provisions so incorporated.

(G. S. 1866, c. 121, § 9; G. S. 1878, c. 121, § 9.)

See *Gaston v. Merriam*, 33 Minn. 271, 279, 22 N. W. Rep. 614.

(1958)