

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

Vacancy during session of legislature, how filled.

SEC. 23. If from any cause a vacancy happens in the office of senator in congress during any session of the legislature, the two houses of the legislature shall meet in joint convention in the hall of the house of representatives, at a time to be fixed by joint resolution of the two houses, during the same session in which the said vacancy happens, and shall proceed in the manner provided for in the preceding sections, to elect a United States senator; and in case of a failure to elect a senator at any of the times provided for in this title, if such senator is not elected at any time during the same session as provided for herein, then, at twelve o'clock, M., on the second Tuesday of the session of the legislature next succeeding the said session and of each succeeding session of the legislature until such senator is elected, the two houses of the legislature shall meet in joint convention in the hall of the house of representatives, and proceed to elect such senator in the same manner provided for herein.

Vacancy during recess of legislature, how filled.

SEC. 24. In case a vacancy in the office of United States senator happens, from any cause, during the recess of the legislature of this state, the governor shall appoint some person to fill such vacancy until the session of the legislature next thereafter, and until a successor is elected and qualified.

CHAPTER IV.

STATUTES.

THEIR CONSTRUCTION AND REPEAL.

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1 Rules for construing statutes.
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Rules for construing statutes.

SECTION 1. In the construction of statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute, that is to say:—

First. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such peculiar and appropriate meaning; and all clerical and typographical errors shall be disregarded when the intent and meaning are obvious.

Second. Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular, and words importing the masculine gender may be applied to females.

Third. Words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or persons.

Fourth. The term "folio," when used as a measure for computing fees or compensation, or in any legal proceedings, means one hundred words, counting every figure necessarily used, as a word; and any portion of a

folio, when in the whole draft or paper there is not a complete folio, and when there is any excess over the last folio, shall be computed as a folio.

Fifth. The word "highway" may include any road laid out by the authority of the United States or of this state, or of any town or county, and all bridges upon the same.

Sixth. The words "insane person" shall include every idiot, non-compos, lunatic, and distracted person; and the word spendthrift shall include every one who is liable to be put under guardianship on account of excessive drinking, gaming, idleness or debauchery.

Seventh. The word "issue," as applied to the descent of estates, shall include all the lawful lineal descendants of the ancestor.

Eighth. The word "land" or "lands," and the word "real estate," shall include lands, tenements, hereditaments, and all rights thereto and interests therein.

Ninth. The word "month" shall mean a calender month, and the word "year" shall be equivalent to the expression "year of our Lord."

Tenth. The word "oath" shall include "affirmation" in all cases where, by law an affirmation may be substituted for an "oath;" and in like cases the word "sworn" shall include the word "affirmed."

Eleventh. The word "person" may extend and be applied to bodies politic and corporate.

Twelfth. The words "preceding" and "following," when used by way of reference to any section of these statutes, shall mean the section next preceding or next following that in which such reference is made.

Thirteenth. When the seal of a court, public office, or corporation is required by law to be affixed to any paper, the word "seal" shall include an impression of the official seal made upon the paper alone, as well as an impression made by means of a wafer or of wax affixed thereto.

Fourteenth. The word "town" may include cities and districts, unless such construction would be repugnant to the provisions of any act specially relating to such cities or districts.

Fifteenth. The term "will" shall be construed to include codicils.

Sixteenth. The words "written" and "in writing" may include printing, engraving, lithographing, and any other mode of representing words and letters; but when the written signature of a person is required by law, it shall always be the proper handwriting of such person, or in case he is unable to write, his proper mark.

9 Min. 221.

Seventeenth. The word "State," when applied to the different parts of the United States, shall extend to and include the District of Columbia and the several territories, so called, and the words "United States" shall include said district and territories.

Eighteenth. The word "felonious" shall mean criminal, and the word "feloniously" criminally, and the term "infamous crime" shall include every offense punishable with death or imprisonment in the state prison.

SEC. 2. Every statute which does not expressly prescribe the time when it shall go into operation, shall take effect throughout the state on the thirtieth day next after that on which it is approved by the governor or otherwise becomes a law; but no general law shall take effect until published.

When statute shall take effect.

SEC. 3. Whenever a law is repealed, which repealed a former law, the former law shall not thereby be revived unless it is so specially provided, nor shall such repeal affect any right which accrued, any duty imposed, any penalty incurred, nor any proceeding commenced under or by virtue of the law repealed.

Effect of repeal.