

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

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TITLE 1.

CONSTRUCTION AND REPEAL.

SEC. 243. **Rules for construing statutes.**— 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, noncompos, 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 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.

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[SECS. 244—246.]

Ninth. The word "month" shall mean a calendar 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 mean 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.

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 offence punishable with death or imprisonment in the state prison.

G. S. ch. 4, § 1. 12 M. 293.

Nineteenth. When the words "railroad" or "railroads" are used in any general or special law of this state, the same shall be deemed to apply alike to all railroads, without reference to the gauge thereof.

1879, ch. 79, approved March 8, 1879. 12 M. 293; 25 M. 147; 28 M. 398; 31 M. 355; 33 M. 353, 436.

SEC. 244. When statutes take effect.—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.

G. S. ch. 4, § 2. 13 M. 153; 21 M. 22.

SEC. 245. Effect of repeal.—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.

G. S. ch. 4, § 3. 25 M. 459; 31 M. 363.

SEC. 246. Legal holidays.—That the twenty-second (22d) day of February, the anniversary of the birthday of Washington, and the thirtieth (30th) day of May, known as "memorial day," shall be observed in this state as legal holidays hereafter; that no public business, except in case of necessity, shall be transacted on either of said days, and that no civil process shall be served on either of said days.

1860, ch. 23, as amended 1889, ch. 96. Approved April 24, 1889. Amendment added "memorial day."

LEGAL ADVERTISEMENTS.

SEC. 247. In newspaper printed in another county or state.— Any newspaper filling the requirements of section one hundred and thirty-six, chapter one of the General Laws of one thousand eight hundred and seventy-four, as amended by an act approved March third, one thousand eight hundred and seventy-six, shall be deemed a proper medium for the publication of all legal advertising, notwithstanding a portion of said newspaper may be printed in another county or state from that in which its known office of publication is located.

1877, ch. 113: "An act legalizing newspapers printed on the auxiliary plan." Approved February 26, 1877. Acts 1874, ch. 1, § 136, as amended 1876, ch. 8, defines such newspaper to be "some weekly newspaper having not less than four pages of five columns to the page, each column to be not less than two inches in width, nor less than seventeen inches in length, printed and published in the English language, and of a general circulation, which shall have been published and circulated for at least three months prior to the time" of inserting the advertisement.

SEC. 248. In newspaper printed partly in English.— That all notices of sale and foreclosure of mortgages upon real property, of the sale of real estate under or by virtue of any execution, decree, judgment, or otherwise, and all other notices required by law to be published in a newspaper in this state, shall be published in a newspaper printed in the English language: * *provided*, however, that in counties in which one or more newspapers are published in a foreign language, or partly in the English and partly in the foreign language, the publication of all such advertisements aforesaid, may (in the discretion of the party at whose instance they [are] published, or the party who is by law required to cause such publication to be made, and in a judicial proceeding with the approval and by order of the court before whom the publication is required to be proved), be made in the English language in a newspaper printed in a foreign language, or in a newspaper printed partly in the English and partly in a foreign language; and that all such newspapers so published shall be deemed a proper medium for the publication of all legal advertising.

Prior publications legalized.— All publications heretofore made in this state, required by law to be made in a newspaper, that were made in a newspaper printed and published in a foreign language, and otherwise made in conformity with the rules and requirements of law, shall be deemed valid and legal to all intents and purposes.

1878, ch. 54, §§ 1, 2: "An act to define how legal publications shall be made." Approved March 8, 1878. Above * is act 1877, ch. 138, repealed by this act. Act 1889, ch. 86, which amends G. S. ch. 66, § 83, as amended 1887, ch. 42, requires all publications to be made in the English language. See *post*, ch. 66.

SEC. 249. In daily newspaper — Defined.— That whenever any law provides for the publication of any official or legal notice in a daily newspaper, any newspaper, which is published six (6) days in each week shall be held to be a daily newspaper, and shall be eligible for the publication of such notices. *Provided*, that said daily newspaper shall have been regularly published in this state as a daily newspaper for one (1) year or more.

1889, ch. 47: "An act to define the term 'daily newspaper' so far as relates to the publication of official and legal notices." Approved April 24, 1889.

TITLE 2.

THE GENERAL STATUTES AND THEIR EFFECT.

Act 1866, ch. 16, provided for printing and binding; 1856, ch. 17, for editing, and 1867, ch. 56, for distributing G. S.

SEC. 250. General Statutes, how 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. ch. 121, § 1.

SEC. 251. 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. ch. 121, § 2.

SEC. 252. 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. ch. 121, § 3.

SEC. 253. 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. ch. 121, § 4. 12 M. 530; 13 M. 153; 16 M. 215, 230.

SEC. 254. 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. ch. 121, § 5.

SEC. 255. 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. ch. 121, § 6.

SEC. 256. 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 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. ch. 121, § 7. 16 M. 230; 22 M. 380.

SEC. 257. 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. ch. 121, § 8.

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SECS. 258, 259.]

STATUTES — GENERAL.

SEC. 258. General Statutes 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. ch. 121, § 9. 16 M. 230.

SEC. 259. County seats not changed.—Nothing in this act contained shall be construed as affecting or changing the location of any county seats; but such county seats shall remain and continue as established by existing laws.

G. S. ch. 122, § 2. Ch. 122 of G. S. provided for express repeal of prior laws.