

GENERAL STATUTES <sup>36</sup>  
OF THE  
STATE OF MINNESOTA

IN FORCE

JANUARY 1. 1889.

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COMPLETE IN TWO VOLUMES.

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VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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ST. PAUL:  
WEST PUBLISHING CO.  
1888.

### § 7. Effect of repeal on limitations.

This section and *c. 66*, §§ 254, 262, have the effect to preserve both the lien of a judgment rendered and docketed on August 22, 1862, 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.

### § 9. Construed as continuation of former laws.

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

## CHAPTER 122.

### OF THE EXPRESS REPEAL OF EXISTING LAWS.

#### § 1. Repeal.

The rules of the district courts which derived their force from Laws 1862, *c. 16*, are repealed by this chapter, and no longer effective. *Jordan v. White*, 20 Minn. 91, (Gil. 77.)

The repeal by this chapter of chapter 45, Laws 1864, did not revive the former limitation laws relating to actions in regard to administrators' sales. *Streeter v. Wilkinson*, 24 Minn. 288. Section 2, *c. 45*, Laws 1864, limiting the time within which a sale by an administrator or executor might be attacked for failure to file the bond required by statute, or other irregularity, is a valid and binding exercise of legislative power. *Id.*

See, also, *State v. Foley*, 30 Minn. 350, 352, 15 N. W. Rep. 375; *Erickson v. Johnson*, 22 Minn. 380; *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202, 203;) *Stine v. Bennett*, 13 Minn. 153, (Gil. 138, 144.)

## CHAPTER 123.

### CURATIVE ACTS.\*

See, as to curative legislation, *Spaulding v. Nourse*, (Mass.) 10 N. E. Rep. 179; *Johnson v. Board of Commissioners*, (Ind.) 8 N. E. Rep. 1; *Independent School-Dist. v. City of Burlington*, (Iowa,) 15 N. W. Rep. 295; *Stange v. City of Dubuque*, (Iowa,) 17 N. W. Rep. 518.

The legislature cannot legalize acts void for jurisdictional defects. *Houseman v. Kent Circuit Judge*, (Mich.) 25 N. W. Rep. 369. Nor can it, by curative legislation, interfere with vested rights. *Daniells v. Watertown Tp.*, (Mich.) 23 N. W. Rep. 673. The legislature cannot give validity to a decree of divorce void for want of jurisdiction in the court rendering it. *Israel v. Arthur*, (Colo.) 1 Pac. Rep. 438.

The legislature cannot legalize the taking of property for public use, where the proceedings therefor were had without notice to the owner. *Burns v. Railroad Co.*, 15 Fed. Rep. 177.

\* As to legalization of conveyances in trust for Methodist Episcopal Churches, see *ante*, *c. 34*, \*§ 223a. For provisions legalizing religious corporations, and change of name thereof, see *ante*, *c. 34*, \*§§ 231b, 233a-238c.

For provisions legalizing civil corporations, see *ante*, *c. 34*, \*§§ 421l-421n. As to legalization of proceedings for incorporation under tit. 3, *c. 34*, and of corporate acts, see *ante*, *c. 34*, \*§ 208j.

Legalization of bonds of independent school-districts, see *ante*, *c. 36*, \*§ 115c.

For provisions legalizing the purchase of bonds with the proceeds of sales of agricultural college lands, see *ante*, *c. 38*, \*§ 56a.

As to legalization of probate proceedings in case of defective notice, see *ante*, *c. 47*, \*§§ 37, 38.