

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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PART V.

CONSTRUCTION OF STATUTES AND EXPRESS REPEALS

CHAPTER 107

STATUTES

The Revised Laws and Their Effect,
§§ 10918-10927.

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THE REVISED LAWS AND THEIR EFFECT

10918. How cited—When to take effect—Session laws not affected—These laws shall not be cited, enumerated, or otherwise treated as a session law of the present year, but shall be designated, "Revised Laws, 1905." They shall take effect March 1, 1906, but shall not be construed as abrogating any act passed at the session of 1905, all of which, so far as they differ from the Revised Laws, shall be construed as amendatory thereof or supplementary thereto. (5504) [9398]

Cited (120-313, 139+500).

130-397, 153+758; 131-332, 155+107; 139-96, 165+880; 196+465.

Issuance of village bonds. 157-469, 196+465.

10919. Former laws not revived—Vested rights not affected—The repeal, by these laws, of any act or part

thereof, whether the same be revised and re-enacted herein or not, shall not revive any law heretofore or hereby repealed or any office abolished. Neither shall it affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced, in a civil cause, before the repeal takes effect; but the proceedings in such case shall conform, so far as practicable, to the provisions of the Revised Laws. (5505) [9399]

12-580, 503; 13-153, 138; 16-215, 187; 16-230, 202; 24-116, 122; 30-350, 352, 15+375; 45-231, 232, 47+794; 53-522, 55+815; 58-275, 278, 69+1015; 62-175, 179, 64+382. Cited (106-58, 118+63). Includes proceedings pending when Revised Laws went into effect, whether related to civil actions or otherwise (101-349, 112+278). 130-467, 153+878.

10920. Penalties, etc., not affected—Exception—Such repeal shall not affect any penalty or forfeiture previously incurred, except that any provision of the Revised Laws whereby a punishment, penalty, or forfeiture is mitigated, may be extended and applied to a judgment pronounced after they take effect; and in actions or prosecutions pending at the time of the repeal, for offences committed, or for the recovery of penalties or forfeitures incurred, under any of the acts repealed, the subsequent procedure shall conform, so far as practicable, to the Revised Laws. (5506) [9400]

10921. Tenure of offices preserved—Whoever, when said repeal takes effect, holds an office under any of the laws repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision relative thereto is made by the Revised Laws. (5507) [9401]

10922. Continuation of former laws—The provisions of the Revised Laws, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments; and references in statutes not repealed to provisions of law which are revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in the Revised Laws. (5508) [9402]

13-278, 256; 16-230, 202; 33-271, 22+614. Rule for construing revised statutes permits reference to and examination of prior statutes to ascertain intent of legislature, when the revised statute is ambiguous or susceptible to two constructions (99-248, 109+235; 99-307, 109+243; 112-76, 127+386). Changes will not be regarded as altering law, unless clear that such was intention (99-307, 109+243; 111-110, 126+477; 112-76, 127+386; 112-512, 128+833; 113-459, 130+18). Statute in Revised Laws, where complete in all its details and unambiguous, must be construed without reference to prior laws (100-249, 110+870). The provision relating to continuations of existing statutes is plain and explicit, and entitled to reasonable construction, such as will give effect to intention of legislature (101-349, 112+278). A provision incorporated into the revision is a continuation of the

original act (108-230, 122+11). Where two inconsistent statutes, relating to the same subject-matter, but passed at different times, are both incorporated into revision, court will, in construing them, inquire as to dates of respective enactments, and give effect to latest expression of legislature (107-437, 120+894; 113-298, 129+514; 115-446, 132+915). See, also, 102-15, 112+1050; 103-241, 114+762; 106-32, 119+391). Change in language or phraseology does not necessarily indicate intention to change in substance existing law, but is ordinarily to be ascribed to purpose to condense and simplify (113-27, 128+1112). Where two consistent statutes are approved same day, it will be presumed they were approved in their numerical order (115-446, 132+915).

133-326, 158+606; 151-404, 186+798.

10923. Periods of limitation continued—If, in any statute hereby repealed, a limit of time be prescribed for acquiring a right, barring a remedy, or any other purpose, which period has begun to run, and the same or a similar limitation is herein prescribed, the time of limitation shall continue to run with the same effect as though the whole period had elapsed under the operation of the Revised Laws. (5509) [9403]

13-153, 138; 16-230, 202; 22-380, 384; 45-231, 47+794.

10924. Revised Laws—How printed, etc.—Commission—The attorney general, the secretary of state and the state printer are hereby appointed and required to serve as a commission to provide for printing, binding, publishing and distributing the Revised Laws, 1905. ('05 c. 185 § 1) [9404]

Section 2 provides that the secretary of state shall be the custodian of the copies owned by the state, and shall distribute them among the public officers of the state as said commissioners shall prescribe.

Report of statute commission, see post, in appendix.

10925. Powers of commission—Copyright—The said commissioners may determine whether said Revised Laws shall be published by the state or by a private person, and are authorized to enter into contracts, for and on behalf of the state, for printing, binding, publishing and distributing said Revised Laws; they are authorized to fix the amount for which such Revised Laws shall be sold, but the price shall not exceed five dollars per volume to citizens or residents of the state; they shall cause said Revised Laws, when printed, to be copyrighted for the state, and they shall not sell or transfer the copyright to any person; and if said Revised Laws are published by a private person, said commissioners shall purchase not to exceed one thousand copies for distribution among the public officers of the state and for exchange. ('05 c. 185 § 2) [9405]

130-256, 153+325.

10926. Published laws as evidence—The Revised Laws, 1905, as published under the provisions of this act shall be competent evidence of the laws therein contained in all the courts of this state without further proof or authentication. ('05 c. 185 § 5) [9406]

133-326, 158+606.

10927. How published—The Revised Laws, 1905, shall not be published otherwise than under the provisions of this act. ('05 c. 185 § 6) [9407]

CONSTRUCTION

10928. When to take effect—Every act of the legislature which does not expressly declare when it shall take effect shall be in force from and after its approval by the governor; or, if the governor shall refuse or neglect to approve the same, then from and after it shall become operative, without his signature, by virtue of the constitution. (5510) [9408]

133-178, 158+50; 152-269, 188+556.

10929. Revision to operate as repeal, when—Whenever a statute, enacted after the Revised Laws become operative, by its title purports to be a revision of all laws upon a particular subject, or of a particular chapter therein specified, or whenever such statute does, in fact, cover the entire subject matter of a former law, even if such statute contains no repealing clause, or only a general clause repealing laws inconsistent therewith, it shall be construed as repealing all former laws upon the same subject, or all of the chapter referred to not specifically retained. (5511) [9409]

Repeal by implication (98-256, 108+838). 135-145, 160+253.

166-202, 207+309.

10930. 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 accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the law repealed. (5512) [9410]

25-457, 459; 31-360, 363, 17+957; 39-376, 40+261; 62-540, 544, 64+1022; 76-69, 78+883; 129 Fed. 657, 64 C. C. A. 169.

165-8, 205+609.

10931. Amendments validated—That all bills heretofore or hereafter introduced at this and subsequent sessions of the legislature purporting to amend or repeal any part or parts of the laws of this state by reference in the title and body of such bills to the General Statutes of Minnesota, 1913, shall be taken and construed to mean, and shall have the same force and validity as if the said bills referred to the original enactment or enactments in the Revised Laws of Minnesota for 1905, and the subsequent General Laws of Minnesota including those for the year 1905, and set forth in the General Statutes of Minnesota, 1913. ('15 c. 59 § 1)

10932. Rules of construction—In construing statutes the following rules shall govern, unless their observance would involve a construction inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute:

1. Words and phrases not especially defined shall be construed according to the common and approved usage of the language, but technical or other words and phrases which have acquired a peculiar and appropriate meaning in the law shall be given such meaning; and clerical and typographical errors shall be disregarded when the intent is clear.

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

3. Words purporting to give a joint authority to three or more public officers or other persons shall be construed as conferring such authority upon a majority of them, unless it shall be otherwise expressly declared in the law giving the same. (5513) [9411]

See in general 133-50, 157+908; 134-131, 158+798.

Subd. 1 (3-389, 282; 18-361, 331; 25-146; 58-525, 533, 60+672; 72-165, 75+123; 89-502, 95+449; 120-443, 139+949; 124-35, 144+417). Subd. 2 (95-164, 103+889; 112-433, 128+578). Subd. 3 (41-69, 42+696; 61-56, 62, 63+176; 107-420, 102+753; 133-50, 157+908; 134-309, 159+789).

The Legislature, in the enactment of a statute, will be assumed to have used common words in their ordinary meaning. 158-111, 196+930.

The appellate court cannot assume, in order to sustain an indictment and conviction, that words having a common and generally accepted significance have been

used in such an unusually broad fashion as to include cases clearly beyond their ordinary meaning. 158-111, 196+930.

When a state adopts a foreign statute, it presumably adopts the construction already given it by the state where it was first adopted. 160-343, 200+76.

Legislative action is unnecessary to affirm the existence of common law; but statutory enactment is essential to repeal, abrogate, or change the rules or doctrine of the common law. It is the province of the Legislature, and not of the courts, to modify the rules of common law. 160-343, 200+76.

10933. Particular words and phrases—The following words and phrases, used in the Revised Laws or in future legislative acts, shall have the meaning herein given, unless another intention clearly appears.

1. Clerk—The word "clerk," when used in reference to court procedure, shall mean the clerk of the court in which the action or proceeding is pending, and the words "clerk's office" shall mean his office.

2. County, etc.—Whenever a county, town, city, or village is mentioned, without any particular description, it imports the particular county, town, city, or village appropriate to the matter.

3. Felonious—Infamous crime—The word "felonious" shall mean criminal, and the phrase "infamous crime" shall include every offence punishable with death or imprisonment in the state prison.

4. Folio—The word "folio" shall mean one hundred words, counting as a word each figure necessarily used. If there be fewer than one hundred words in all, the paper shall be computed as one folio; likewise any excess over the last full folio.

5. Highway—The word "highway" shall include roads laid out by state or United States authority, or by any town or county, and all bridges thereon.

6. Holidays—The word "holiday" shall include New Year's Day, January 1, Lincoln's Birthday, February 12; Washington's Birthday, February 22; Memorial Day, May 30; Independence Day, July 4; Labor Day, first Monday in September; election day, the first Tuesday after the first Monday in November of the even numbered years; Christmas Day, December 25; the Friday next preceding Easter Sunday and commonly known as Good Friday; and Armistice Day, November 11th. No public business shall be transacted on those days, except in cases of necessity, nor shall any civil process be served thereon.

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

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

8A. Juvenile court—The words "juvenile court" shall mean the court having jurisdiction in the particular county over cases of dependent, neglected and delinquent children, whether the same be a district or probate court.

9. Lands, etc.—The words "land," "lands," "realty," and "real estate" shall include lands, tenements, and hereditaments, and all rights thereto and interests therein.

10. Oath—Sworn—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 "swear" shall include "affirm," and "sworn," "affirmed."

11. Person—The word "person" may extend and be

applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

12. Population—The word "population," and the word "inhabitants," when used in reference to population, shall mean that shown by the last preceding census, state or United States, unless otherwise expressly provided.

13. Preceding—Following—The word "preceding" or "following," when used with reference to any section of the Revised Laws, shall mean the section last preceding or next following unless some other section is expressly designated in such reference.

14. Published and posted notice—Unless otherwise specially provided, the words "Published notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order or process in judicial proceedings, shall mean the publication in full of the notice or other paper referred to, in the regular issues of a qualified newspaper, once in each week and at uniform intervals, for the number of weeks specified. Provided, however, that when one of the regular publication days for such notice, summons, order or process shall fall upon Thanksgiving Day or upon any legal holiday then and in that case it shall be a compliance with the law to have said notice, summons, order or process published either the day before or the day after Thanksgiving Day or such legal holiday. And a "qualified newspaper" shall be one published in the county wherein the action or proceeding is pending or in which the thing to which such notice relates is to occur or be done, and conforming to the requirements of § 10935; or, if there be none in such county, then in an adjoining county. The term "posted notice," when similarly used, shall mean the posting, at the beginning of the prescribed period of notice, of a copy of the notice or document referred to, in a manner likely to attract attention, in each of three of the most public places in the town, city, district or county to which the subject matter of the notice relates, or in which the thing of which notice is given is to occur or be performed.

15. Recorded—Filed for record—When an instrument in writing is required or permitted to be filed for record with, or recorded by, any officer, the same imports that it must be recorded by such officer in a suitable book kept for that purpose, unless otherwise expressly directed.

16. Seal—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 thereof upon the paper alone, as well as an impression on a wafer, wax, or other substance thereto attached.

17. State—United States—The word "state," when applied to a part of the United States, shall extend to and include the District of Columbia and the several territories; and the words "United States" shall embrace said District and territories.

18. Sheriff—The word "sheriff" may be extended to any person officially performing the duties of a sheriff, either generally or in special cases.

19. Time—Month, year, A. D.—The words "month" and "year" shall mean a calendar month or year, unless otherwise expressed; and the word "year" shall be equivalent to the expression "year of our Lord."

20. Time—Standard—The mean solar time of ninety degrees longitude west of Greenwich, being that commonly called "central time," shall be the standard of time for all purposes.

21. Time—How computed—In computing the time

within which an act is required or permitted to be done, the first day shall be excluded and the last included, unless the last shall fall on Sunday or on a holiday, in which case the prescribed time shall be extended so as to include the first business day thereafter.

22. Town—The word "town" may include cities, villages, boroughs, and districts, unless such construction would be repugnant to the provisions of any act especially relating thereto.

23. Will—Codicil—The term "will" shall be construed as including codicils.

24. Writing—The words "written" and "in writing" may include any mode of representing words and letters, except that signatures, when required by law, must be the handwriting of the person, or, if he be unable to write, his mark, or his name written by some person at his request and in his presence. (R. L. § 5514, amended '07 c. 254; '17 c. 233; '21 c. 15; '21 c. 171) [9412]

Explanatory note—Par. 20 is superseded by Laws 1927, c. 157, § 1. See § 10933-1, herein.

In general—126-285, 151+273; 130-205, 153+518. Subd. 2. 140-494, 168+589. Subd. 3 (12-293, 191). Subd. 6 (32-118, 121, 19+738; 41-269, 43+7; 50-457, 463, 52+915; 94-500, 103+499). 129-383, 152+777; 129-522, 151+273; 132-389, 157+642. Subd. 8. 194+769. Subd. 9 (21-101, 106; 31-354, 355, 17+954; 43-513, 515, 45+1099; 83-445, 447, 86+450; 91-60, 63, 97+449; 91-482, 484, 98+463). 140-477, 168+553. Subd. 11 (23-396, 398, 10+421; 33-434, 436, 23+848). Subd. 12. 124-127, 144+757. Subd. 13 (4-233, 166). Subd. 14. 126-282, 148+271; 127-84, 148+891; 130-202, 153+517. Subd. 15. 121-173, 141+101. Subd. 16 (90-393, 96+1128). Subd. 21 (6-192, 123; 16-230, 202; 23-61; 25-327; 27-197, 6+621; 31-119, 16+704; 34-403, 26+225; 39-426, 40+561; 45-231, 47+794; 48-223, 50+1038; 50-303, 52+863; 53-269, 55+121; 61-185, 63+489; 73-65, 75+752; 102-89, 112+880; 104-481, 117+158; 108-407, 120+526, 122+486). 129-522, 151+273; 139-420; 166+1077; 152-96, 188+736; 194+93. Subd. 22 (33-351, 23+526; 90-406, 408, 97+103). Subd. 24. "Signature" includes mark (103-286, 114+838). Cited and applied (106-464, 119+59).

Time for redemption. 156-30, 194+93.

In determining the consequences of a disregard of a statutory provision as to time, a court must seek to ascertain the legislative intention. It will consider the language of the statute, the subject-matter, the importance of the provision, and the object intended to be secured. If the provision does not go to the essence of the thing to be done, or if there are no negative words restricting the doing of an act after the time fixed by the statute, the provision will usually be held directory. 156-310, 194+643.

Judicial notice of census. 160-510, 200+813.

Issue. 156-366, 194+766.

Writing—Assignment of mortgage. 159-252, 198+807.

10933-1. Standard time—The standard of time in this state shall be the solar time of the ninetieth meridian west of Greenwich, commonly known as central time, and no department of the state government and no county, city, town or village shall employ any other time or adopt any ordinance or order providing for the use of any other than the standard of time. Provided, that when the standard time shall be advanced for any portion of the year, by any act of Congress now in force or hereafter passed, the time so fixed by such act of Congress shall be the standard time of this Commonwealth for such portion of the year. ('27, c. 157, § 1)

10934. Newspapers legalized—No newspaper in this state which conforms in all respects to the statutes defining a legal newspaper, with the exception that the same has not been published for the requisite length of time, shall be deprived of its standing as a legal newspaper at the time the same shall have been published for the requisite length of time, provided it shall have during such time met the other requirements of a legal newspaper, by reason of a failure of publication for one week at some time after the

commencement of the publication of such newspaper. ('21 c. 407 § 1)

10934-1. Publications by consolidated newspaper legalized—In all cases where two newspapers published in any county in this state which have in all respects for several years prior to the 1st day of July, 1926, conformed to the requirements defining a legal newspaper, and within eight months prior to the passage of this act entered into a contract for the consolidation of such newspapers to be published under a different name but in the same town and locality where formerly published and on the same day of the week, and said contract so far progressed that said newspapers were in fact published under the new name in all respects in a legal manner on the same day of the week and in the same city and county and the legal notices and other publications being published in either or both of said newspapers are continued in the new publication for a period of several months, but owing to certain obstacles said contract of consolidation is rescinded and said newspapers again separate and resume publication under their original names and place in the same county all legal publications made in such newspapers before or during such attempted consolidation or thereafter are hereby validated and legalized and said newspapers after resuming publication under their original names are hereby declared legal newspapers as though said consolidation had never been attempted. ('27, c. 18)

10935. Legal newspaper qualifications—A newspaper in order to be qualified as a medium of official and legal publications, shall:

(1) Be printed from the place from which it purports to be issued, and in column and sheet form equivalent in space to at least four pages, with five columns to the page, each seventeen and three-quarters inches long." Provided, however, that any newspaper which is issued from an office located within the city of the fourth class may be printed in an adjoining city of the first class.

(2) It shall be issued at least once each week, and if a daily at least six days of each week, from a known office established in such place for publication and equipped with skilled workmen and the necessary material for preparing and printing the same; except in any week in which a legal holiday or Thanksgiving day is included, not more than five issues of a daily paper shall be necessary, provided that part of the press work shall be done in its known office of publication, except in cities of the first class when the press work may be done elsewhere; and provided that when any newspaper is issued from an office located within a city of the fourth class, and is printed in an adjoining city of the first class, its said office need not be equipped with skilled workmen and the necessary material for preparing and printing the same.

(3) Contain general and local news, comment and miscellany, not wholly duplicating any other publication, and not entirely made up of patents, plate matter and advertisements.

(4) Be circulated in and near its place of publication to the extent of at least two hundred and forty copies regularly delivered to paying subscribers.

All of the foregoing conditions shall have existed for at least one year last past, provided, however, that any newspaper which shall have been a duly, qualified medium of legal publication for at least one year immediately preceding the passage of this act, and which shall at any time prior to the time this act shall take effect conform to the requirements herein provided for,

shall not affect the qualification or validity of such newspaper as a medium of official and legal publication, and such newspaper shall be deemed to be a legal newspaper, provided that suspension of publication for a period of not more than three months within said year, resulting from the destruction of its office by the elements of unforeseen accident to the equipment thereof shall not affect the qualification of such newspaper after it shall have resumed; nor shall the consolidation of one newspaper with another published in the same county, nor any change in the name or ownership thereof, disqualify it or invalidate any publication continuously made therein before and after the change; Provided further that all legal notices shall be printed in the English language.

Neither the change of the day of publication nor the change of office or place of publication from one place to another within the same county shall deprive it of standing as a legal newspaper, and it shall be deemed to be a legal newspaper notwithstanding such change of the day of publication or change of office and place of publication within the same county. (R. L. '05, § 5515; '07, c. 3; '11, c. 379, § 1; G. L. '13, § 9413; '21, c. 484, § 3; amended as to sub. sec. (1) by '23, c. 203; as to sub. sec. (2) by '27, c. 28, § 1)

25-146; 38-349, 37+792; 45-27, 47+309; 54-281, 56+80. Weekly newspaper conforms to statute (98-113, 107+728). Cited and applied (117-214, 135+385).

123-1, 142+886; 130-202, 153+517; 139-348, 166+403; 152-350, 188+222. See '07 c. 4 Cur.; '07 c. 100 Cur.; '07 c. 463 Cur.; '17 c. 506 Cur.

10936. Affidavit—Evidence—No compensation shall be recoverable for publishing legal or official matter in any newspaper not so qualified, nor until there shall have been filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name and location of the newspaper and the existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section three of this act. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor also. And such affidavit, if it states the required facts, shall be prima facie evidence thereof and of such qualification. Nor shall any compensation be recoverable for publishing legal or official matter in any newspaper unless the bill for same is accompanied by an affidavit of the publisher or printer in charge of such newspaper having knowledge of the facts, setting forth the fact that such newspaper has complied with all the requirements that constitute a legal newspaper as defined in sections three and four of this act, and such affidavit must contain a printed copy of the lower case alphabet from A to Z, both inclusive, which copy of the alphabet must be acknowledged in the said affidavit by the publisher, or printer in charge, having knowledge of the facts, as being the size and kind of type used in the composition and publication of the legal or official matter published in such newspaper for which such compensation is claimed; and such affidavit must set forth the dates of the month and year and the day of the week upon which such legal or official matter was published in such newspaper. ('21 c. 484 § 4)

10937. Published notice—Unless otherwise specifically provided, the words "published notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order or process in judicial proceedings, shall mean the publication in full of the notice, or other paper referred to, in the regular issue of a qualified newspaper, once each

week and at uniform intervals, for the number of weeks specified; provided that when the publication day of any newspaper falls upon Thanksgiving Day or upon any legal holiday, the publication of any summons, order or process in judicial proceedings may be made either the day before or the day after Thanksgiving Day, or the day before or the day after such legal holiday. ('21 c. 484 § 5)

10938. Controversy publisher and public official—In case of controversy or disagreement between a publisher of a newspaper and a public official of this state as to the measurement of any legal notice published or required by law to be published in newspapers, such public official is hereby required to submit a copy of the printed notice to the state expert printer, who shall measure such notice and attach thereto a certificate signed by him, giving the number of folios and the amount of the fees allowed for the publication of such notice. ('21 c. 484 § 6)

10939. Basis of measurement—The basis of measurement of type used in the publications of notices and forms required by law to be published in a newspaper in this state shall be as follows:

(1) One inch in length shall contain seventy-two (72) points of type measurement.

(2) Nonpareil or six-point type shall be twelve (12) lines to the inch and the length of the lower case alphabet from A to Z inclusive set in compact form shall be nine and one-half (9½) ems Pica, or twelve-point type, a total of one hundred and fourteen (114) points in length. A folio of Nonpareil or six-point type as described herein shall be two hundred and sixty (260) square ems. A square em of Nonpareil is six points square.

(3) Brevier or eight-point type shall be nine (9) lines to the inch and the length of the lower case alphabet from A to Z, both inclusive, set in compact form shall be ten (10) ems Pica, a total of one hundred and twenty points (120). A folio of Brevier or eight-point type shall be two hundred eight (208) square ems. A square em of Brevier or eight point type as described herein shall be eight points square.

(4) Long Primer or ten-point type shall be seven and two-tenths (7.2) lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, shall be eleven and three-fourths (11¾) ems Pica, a total of one hundred and forty-one (141) points. A folio of Long Primer or ten-point type as described herein shall be one hundred eighty-seven (187) square ems. A square em of Long Primer is ten points square.

(5) Agate type shall be fourteen lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, set in compact form shall be seven and one-half (7½) ems Pica, a total of ninety points. A folio of Agate type shall be two hundred and fifty square ems. A square em of Agate is five and one-seventh (5 1/7) points square.

(6) In the measurement of type as set forth in these rules, leads and slugs, between lines, if any, are to be deducted and the deduction for over-spacing between words, if any, shall be made, but this rule must not be construed to preclude a reasonable amount of spacing for headings and sub-headings of a legal notice, which headings and sub-headings with the proper spacing are to be measured as being of the same type of the body of the notice published.

(7) In all instances where notices for publication are set in type that does not conform to the sizes

herein set forth as the standard type for the basis of measurement for legal notices for publications in newspapers in this state, whatever difference there may be in size must be taken into consideration in determining the number of folios in the legal notice in order that the same shall be made to conform with the standard.

(8) In the measurement of a legal notice a fraction over a full number of folios equal to one-half folio or less shall be computed as one-half folio; a fraction over one-half and less than one folio shall be computed as one folio. ('21 c. 484 § 1)

10939-1. Fees for publication of legal notices—The fee for publication of a legal notice in any legal newspaper in this state shall be Ninety (90) cents per folio for the first insertion and Forty Five (45) cents per folio for each subsequent insertion of a notice. The fee for the publication of the delinquent tax list shall be the same as now provided by Sec. 2096, General Statutes of Minnesota, 1913, provided, that in all cases where a notice for publication contains tabular matter in whole or part, or what is termed "price and one-half" or "double price" composition, an additional fee of twenty-five cents per folio shall be paid for all such price and one-half and double price composition matter for the first insertion of a notice, provided further, that in the publication of official ballots for elections in the counties and state the same shall be measured as though the entire space occupied is that of solid Brevier or eight-point type, and no additional fee shall be allowed on account of tabular matter. ('21, c. 484, § 2)

Explanatory note. See 2096 G. S. 1913 is § 2108 herein.

10940. State printer to prepare forms—Within one year after the passage of this act by the legislature of this state, the state expert printer shall prepare and issue a pamphlet containing a description and fac simile copy, and style of composition, as near as can be, of all notices required by law to be published by public officials in a newspaper in this state, for distribution; provided, such forms of official notices shall have the approval of the attorney general before being issued for distribution by the state expert printer, and such forms when so approved and so issued shall become a guide for public officials in the publication of official notices in newspapers. ('21 c. 484 § 7).

Explanatory note—Laws '21, c. 484, § 8 repeals G. S. '13, §§ 5780, 9413, 9414 and 9418.

10941. Minnesota Statutes compilation commission authorized—The governor, the chief justice of the supreme court and the attorney general of the State of Minnesota are hereby constituted a commission named the Minnesota Statutes Compilation Commission and are hereby empowered to enter into a contract by and on behalf of the State of Minnesota with any person, firm or corporation for the preparation, compilation and publication of the general statutes of this state. ('23 c. 95 § 1)

Minnesota Statute Compilation Commission abolished. See § 53-45, herein.

The contract entered into by the commission is in words and figures as follows, to-wit:

"THIS AGREEMENT made and entered into in duplicate this 23rd day of October, 1923, between the STATE OF MINNESOTA, by and through that certain commission created by and under the provisions of Chapter 95, General Laws 1923, and consisting of J. A. O. Preus, Samuel B. Wilson and Clifford L. Hilton, respectively the Governor, the Chief Justice and the Attorney General of the State of Minnesota, party of the first part, and the REVIEW PUBLISHING COMPANY, a corporation duly organized and existing under the laws of the State of Minnesota, party of the second part.

WHEREAS, said party of the second part has duly proposed to compile, annotate, index, print and publish in one volume the General Statutes of State of Minnesota 1923, all in accordance with the provisions of said Chapter 95, General Laws 1923, and as hereinafter further provided, which said offer the said party of the first part desires to accept.

NOW THEREFORE, in consideration of the premises and of the payment to be made by said party of the first part to said party of the second part as hereinafter provided, the respective parties hereto have covenanted and agreed as follows:

1. That said party of the second part will compile, annotate, index, print and publish, all in accordance with the terms, conditions and provisions of said Chapter 95, General Laws 1923, and the terms, conditions and provisions of this agreement and the specifications hereto attached, marked Exhibit "A" and expressly made a part hereof, that certain statute book to be known as "General Statutes 1923" and will furnish and deliver, at its own expense, one thousand copies thereof to the said party of the first part at the office of the Secretary of State, in the State Capitol Building, in the City of St. Paul, Minnesota.

2. That said work of compiling, annotating and indexing shall be done by or under the direct supervision of Hubert M. Harvey, of St. Paul, Minnesota, or such other person as may be employed therefor by said party of the second part with the written consent and approval of said commission.

3. That during the progress of said work of annotating, indexing and printing of said statutes, the same shall be submitted from time to time to the said commission, as it shall direct, for its inspection and approval, and that said party of the second part will follow and abide by all orders and directions of said commission in the preparing, annotating, indexing and printing of said statutes, providing such orders and directions do not substantially change the general character of said work.

4. That said party of the second part shall have said statutes ready for general delivery and shall deliver said one thousand copies thereof to the State of Minnesota within eight months from the date of this contract, unless prevented by causes beyond the control of said party of the second part, occasioned without any negligence on its part, but in case of delay so occasioned the said party of the second part shall have an additional time equal to the delay occasioned by such causes.

5. That said party of the second part shall, in addition to the said one thousand copies of said statutes to be delivered to the State of Minnesota as hereinbefore provided, furnish and deliver to said State of Minnesota all other copies thereof that it may from time to time request during a period of ten years from and after the date hereof, at the price of Six Dollars (\$6.00) per volume, delivered to the Secretary of State at his office in the Capitol Building, in the City of St. Paul, Minnesota, and that said party of the second part will further provide, furnish and deliver during said period of ten years to any person, firm or corporation so requesting all copies thereof desired, at said price of Six Dollars (\$6.00) per volume, plus postage, express, freight or other charges for delivery.

6. That said party of the second part shall cause the said statutes when duly published to be copyrighted in the name of the State of Minnesota, and that the matrix used in the printing thereof shall be kept and preserved for a period of ten years from the date hereof: and, if at any time during said period said party of the second part shall fail to provide and furnish to the State of Minnesota or to any person, firm or corporation, copies of said statutes as requested and as hereinbefore provided, then the said State of Minnesota, upon proper demand therefor, shall have possession of said matrix, with full right and privilege to use the same for the printing of such additional copies of such statutes as it may desire; that said party of the first part may, at its option, purchase said matrix at the end of said ten year period by paying said party of the second part the market value of the metal contained therein.

7. That said party of the first part will not at any time within ten years from the date hereof permit any person, firm or corporation to use said copyright in printing any copies of said statutes, unless the party of the second part has defaulted in providing and furnishing copies thereof as herein provided or the legislature has expressly authorized such use.

8. That it is further understood and agreed that said party of the second part may bind said statutes in two volumes and sell the same at such price as it may determine, provided that such privilege shall not in any manner relieve it of its obligation at all times to provide and sell the same in one volume, as hereinbefore provided, at the price specified to any and all persons, firms and corporations so desiring, it being understood that it is a privilege granted to said party of the second

part to meet any demand that may arise for such statutes in two volumes and was not taken into consideration in fixing the price of the single volume.

9. In consideration of the premises aforesaid and the full and faithful compiling, annotating, indexing, printing and publishing of said statutes as hereinbefore provided, and the delivery of one thousand copies thereof to the said State of Minnesota as specified, the said party of the first part undertakes and agrees to pay said party of the second part the sum of Six Thousand (\$6,000) Dollars, the same to be payable upon presentation to the proper authorities of a certificate duly executed by said commission showing that said statutes have been duly compiled, annotated, indexed, printed and published, as herein provided, and a certificate from the Secretary of State showing delivery of one thousand copies thereof to the State of Minnesota as herein specified."

The present edition of the statutes is published under Section 8 of said contract by the Citer-Digest Company under assignment from the Review Publishing Co.

10942. What shall be included—Such compilation shall include all the general statutes of this state in force at the time of its publication, including the Session Laws of 1923. It shall also include the constitution, organic act, enabling act and act of admission, of the State of Minnesota, and the constitution of the United States. It shall be published in one volume and be entitled General Statutes, 1923. The sections shall be numbered consecutively throughout the volume and contain references to prior compilations and session laws showing the history of the section. Beneath each section there shall be a brief statement of any decisions of the supreme court relating thereto, with references to the Minnesota Reports and the Northwestern Reporter. ('23 c. 95 § 2)

10943. Compiler authorized to make certain changes—The compiler is authorized to change headlines, cross-references, and the spelling of words. ('23 c. 95 § 3)

10944. Time of publication—Such compilation shall be published as soon as possible after the adjournment of the present session of the Legislature. ('23 c. 95 § 4)

10945. Prima facie evidence of statutes—Such compilation shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication. ('23 c. 95 § 5)

10946. Price not to exceed ten dollars—Such compilation shall be sold to the state and to individuals at a uniform price, not to exceed ten dollars a copy. ('23 c. 95 § 6)

10947. Secretary of State to purchase and distribute copies of General Statutes 1923—The Secretary of State is hereby authorized to purchase twelve hundred copies of such compilation to be distributed by him as follows: Three copies to each justice of the supreme court; one copy to each judge of a district court; one copy each to the probate judge, county attorney, auditor, treasurer, register of deeds and clerk of court of each county; one additional copy to the clerk of each district court, for use in the court room of the district court of his county, and, where there is more than one district court room in the court house of his county, as many copies as there are court rooms, one copy for each of said court rooms; one copy to each municipal

court (two or more copies where there are two or more judges); forty-five copies to the law library of the state; ten copies to the law school of the state university; twenty copies to the office of the attorney general; one or more copies as they may be required to the various executive officers, administrative boards, and societies of the state government; one copy to each member of the Legislature; the remaining copies to legislative committees as they may be required. ('23, c. 95, § 7; amended '25, c. 57)

10948. Appropriation—Twelve thousand dollars are hereby appropriated out of any moneys in the state treasury not otherwise appropriated to carry out the provisions of this act. ('23 c. 95 § 8)

10949. Commission may appoint successor to contractor—In case of failure or inability for any cause of the person, firm or corporation with whom the contract herein provided for, to comply with the terms of this act and the said contract, said commission is hereby authorized to appoint a successor to such contractor and shall hold the bond of the original contractor for the faithful compliance of such successor with this law and said contract. ('23 c. 95 § 9)

10950. Contractor to give bond—The person, firm or corporation appointed hereunder shall give a bond to the State of Minnesota in the sum of ten thousand dollars conditioned for the faithful performance of the provisions of this act within the time and in the manner described in this act. The determination of the question as to the faithful performance of the provisions of this act shall be left to the commission hereinbefore provided; which said commission is hereby authorized to approve or disapprove the said compilation, which if approved by the said commission, shall be adopted, if disapproved, rejected. ('23 c. 95 § 10)

10950-1. Appendix and addenda to General Statutes 1923—Secretary of State to purchase copies—The secretary of state is hereby authorized and directed to purchase of the Review Publishing Company 1,200 copies of the Appendix and Addenda to the General Statutes 1923, upon the approval thereof by the chief justice of the supreme court and the attorney general, at the price of \$1.25 per copy, the same to be paid for out of the appropriation made by Chapter 95, General Laws 1923. ('25, c. 83, § 1)

Explanatory note—For Laws 1923, c. 95 see §§ 10941 to 10949, herein.

10950-2. Same—Prima facie evidence—Upon the approval of such Appendix and Addenda by the chief justice and the Attorney General as aforesaid, the same shall be prima facie evidence of the statutes therein contained in all courts of the state without further proof or authentication. ('25, c. 83, § 2)

10950-3. Same—Distribution of copies—The secretary of state shall distribute the copies of said Appendix and Addenda in the same manner as the General Statutes 1923 was distributed, under Chapter 95, General Laws 1923, as amended by Chapter 57, General Laws 1925. ('25, c. 83, § 3)

Explanatory note—For Laws 1923, c. 95 see §§ 10941 to 10949, herein.