

Nineteen Hundred Thirty-One  
Supplement

to

# Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the  
Legislature, both new and amendatory, and notes showing repeals,  
together with annotations from the various courts, state  
and federal, construing the constitution, statutes,  
charters and court rules of Minnesota



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acquire and hold in its own name, or jointly with any such city as shall decide to co-operate with any such county in the purchase of said land in the establishment of such farm, and as such shall furnish and pay one-half of the cost thereof.

That said county may singly, or in cooperation with such city, through the commission herein provided for, improve such farm by the erection of fences and suitable buildings thereon, and in such other ways as may be found necessary by it in order to accomplish the purpose for which said farm shall be established, and all such improvements when made by such county and city acting jointly through such commission shall be the joint property of such county and city.

The Superintendent of said work farm shall cause all prisoners confined thereon to be employed at hard labor, as far as practicable, either upon the said farm or elsewhere in said county, in order to enable said prisoners to be engaged in productive employment and to be self-supporting. (As amended Apr. 15, 1929, c. 197, §1.)

JUVENILE OFFENDERS

§10910. Duties—Contingent fund.

See §§208-1 to 208-9.

§10911. Duty of probation officer.

See §§208-1 to 208-9.

§10912. Stay of sentence.

See §§208-1 to 208-9.

§10915-11. Same—Annual report.

The county board of Ramsey County, the probation officer and the judge of district court may, in their discretion, print copies of annual report of probation officer of juvenile court and distribute them among welfare agencies, priests and ministers. Op. Atty. Gen., May 26, 1931.

§10915-12. Salary of probation officer and assistant in certain counties.—The chief probation officer shall receive three thousand two hundred dollars (\$3,200.00) per annum, the assistant probation officer shall receive two thousand dollars (\$2,000.00) and after serving five years shall receive twenty-two hundred dollars (\$2,200.00) per annum. All other deputy probation officers who have served as such probation officer for more than three years shall receive eighteen hundred dollars (\$1,800.00) per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive sixteen hundred dollars (\$1,600.00) per annum, and all other deputy probation officers who have served as such probation officers for more than one year shall receive thirteen hundred dollars (\$1,300.00) per annum, and all other such deputy probation officers shall receive \$1,200.00 per annum, and all stenographers who have served for more than two years shall receive twelve hundred dollars (\$1,200.00) per annum, and all other stenographers shall receive one thousand dollars (\$1,000.00) per annum, and all clerks shall receive \$900.00 per annum. (As amended, Laws 1929, c. 380, Apr. 20, 1931, c. 257.)

Part V. Construction of Statutes and Express Repeals

CHAPTER 107

Statutes

CONSTRUCTION

§10928. When to take effect.

Act takes effect the beginning of the day following its approval. Op. Atty. Gen., Apr. 9, 1929.

§10929. Revision to operate as repeal, when.

Section 1538-1 does not repeal or modify the provisions of the charter of the City of St. Paul providing for condemnation of land for street and highway purposes. 177M146, 225NW86.

§10932. Rules of construction.

Prima facie effect of similar South Dakota law construed. Berlin v. K., 236NW307. See Dun. Dig. 8821, 8937a(99), 8956.

Judicial duty and policy.

A court will pass upon the constitutionality of a law only when necessary. 181M427, 232NW 737. See Dun. Dig. 8930a.

Who may question validity.

A litigant may be heard to question the constitutionality of a statute only when it is about to be applied to his disadvantage. 181M427, 232 NW737. See Dun. Dig. 8935(79).

Public officials who have no personal pecuniary interest in the matter involved will not be permitted to raise the question of the constitutionality of a statute to avoid the performance of a ministerial duty which it clearly imposes

upon them. 181M427, 232NW737. See Dun. Dig. 8935(78).

§10933. Particular words and phrases.

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6.

Act to establish October 12th as Columbus Day. Laws 1931, c. 175, ante, §2883-2.

Act to establish October 9 and Leif Erikson Day. Laws 1931, c. 120, ante §2883-1.

14. Published and posted notices.—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; provided, however, that in any town in which there is located within its geographical limits a city or village, one or more such notices may be posted in such city or village. (As amended Apr. 16, 1931, c. 181, §1.)

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(14).

Under section 31 of the Brainerd City Charter, requiring clerk to advertise in official newspaper of the city for one week for sealed proposals, one publication of the notice in the newspaper at least one week prior to the opening of the bids is sufficient. Op. Atty. Gen., June 24, 1931.

Under a statute providing that "two weeks' published notice" shall be given that bids will be received and opened, bids could be opened one week from the date of the last publication, excluding the date of publication, and including the date of opening the bid. Op. Atty. Gen., June 30, 1931.

(17).

180M241, 230NW572.

(21).

179M349, 229NW312.

In computing the three-day period in which a bill is to be returned by the Governor in order to effect a veto thereof under Const., Art. 4, §11, Sunday, but not a holiday, is to be excluded. 172M162, 215NW200.

Publication of summons, order or process is not illegal because first publication falls on a holiday. Op. Atty. Gen., Mar. 14, 1929.

House of Representatives could not legally adjourn in the afternoon of Feb. 11, 1931, until the forenoon of Feb. 16, 1931, without the consent of the Senate, it being immaterial that February 12th is holiday. Op. Atty. Gen., Feb. 10, 1931.

Liability of the bank stockholder making a transfer on November 23rd, 1925, continued to and included November 23rd, 1926. Bank of Dassel v. M., 235NW914. See Dup. Dig. 803(11).

In computing the five-day period between the making of application for marriage license and the issuance of the license, the day on which the application is made is to be excluded and the day the license is issued is to be included. Op. Atty. Gen., April 29, 1931.

Fractions of days may not be considered in determining five days after which a marriage license may be issued. Op. Atty. Gen., May 9, 1931.

(22).

The word "towns" in Soldier's Preference Act includes villages. 173M485, 217NW681.

The word "village" in the proviso in Laws 1929, c. 179, does not include a "town." Op. Atty. Gen., June 6, 1929.

§10934-2. Certain publications validated.

—All newspaper publications of notices, required by law to be published in legal newspapers, which have been published between dates of June 27, 1927 and June 27, 1928 in a daily newspaper which conforms in all respects to the statute defining legal newspapers with the exception that the newspaper had not been published for the requisite length of time, and where said daily newspaper attempted to purchase a weekly newspaper and combine and continue the existing legal weekly paper with the daily newspaper but in fact failed to do so because of a failure to adopt certain characteristics of the existing legal newspaper, are hereby legalized and declared to be valid and sufficient for all purposes. (Act Mar. 11, 1929, c. 72, §1.)

§10934-3. The provisions of this act shall not affect any action or proceeding now pending in any courts in this state. (Act Mar. 11, 1929, c. 72, §2.)

§10935. Legal newspaper qualifications.

St. Paul Legal Ledger giving information affecting credit and other news of official proceedings, held to "contain local and general news, etc." Legal Ledger, Inc., v. H., 222NW646.

§10937. Published notice.

Op. Atty. Gen., Mar. 14, 1929; note under §10933.

§10950-4. Mason's Minnesota Statutes to be prima facie evidence.—Mason's Minnesota Statutes of 1927 shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication. (Act Feb. 1, 1929, c. 6.)

CHAPTER 108

Express Repeal of Existing Laws

§10963. Session Laws of 1876.

Repeal of ch. 28 is modified by the provisions of §7429 herein. Op. Atty. Gen., May 3, 1930.

§10970. Session Laws of 1885.

This repealer is modified as to villages organized and operating under the village code of

1885, by §1109 herein. Op. Atty. Gen., Jan. 16, 1930.

§10975. Session Laws of 1895.

This repealer is modified as to villages organized and operating under the 1885 village code, by §1109 herein. Op. Atty. Gen., Jan. 16, 1930.