

## CHAPTER 371.

## TIME WHEN STATUTES TAKE EFFECT AND OF REPEAL OF LAWS.

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**371.01 When statutes in effect; laws repealed.** These statutes shall take effect and go into operation on the first day of September, in the year 1898, and on and after said day the revised statutes of the year 1878 and Sanborn and Berryman's annotated statutes, except chapter 115 thereof entitled "of other courts of records," which chapter as amended by the laws of 1891, 1893, 1895 and 1897 shall be unaffected by the enactment of these statutes, shall be repealed.

**371.02 Effect of section 371.01.** The repeal of acts mentioned in section 371.01 shall not revive any act heretofore repealed or superseded nor any office heretofore abolished, nor shall such repeal be construed as a declaration that any act or part of an act heretofore expressly or impliedly repealed was in force at any time subsequent to such first repeal; and all acts and parts of acts which were repealed or abrogated by or were repugnant to any of the acts above repealed shall remain repealed.

**371.03 Same.** The repeal of said acts shall not affect any act done or right accrued or established, or any proceeding, suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such act, right or proceeding shall remain as valid and effectual as if the provision so repealed had remained in force; but the subsequent proceedings in actions or proceedings shall conform to the provisions of these Revised Statutes when applicable.

**371.04 Same.** No offense committed and no penalty or forfeiture incurred previous to the time when any of the acts aforesaid shall be repealed shall be affected by such repeal, except that when any punishment, forfeiture or penalty shall have been mitigated by the provisions of these revised statutes, such provisions shall apply to and control any judgment to be pronounced after the said statutes shall take effect for any offense committed before that time.

**371.05 Same.** No prosecution for any offense or the recovery of any penalty or forfeiture pending at the time when any of the acts aforesaid shall be repealed shall be affected by such repeal; but the same shall proceed in all respects as if such acts had not been repealed, except that all such proceedings had after the time when these revised statutes shall take effect shall be conducted according to the provisions of these statutes and shall be in all respects subject to said provisions.

**371.06 Offices, how affected.** The repeal by this chapter of any statutory provision which is consolidated and re-enacted in these revised statutes, by virtue of which any appointments shall have been made or any office is or shall be held, shall not be construed to vacate such office or in any way affect such appointment; but the said appointment shall continue and the said offices shall be held subject to the provisions of law in force after the repeal of such statutory provision. But when any office is abolished by the repeal of any act and such act is not consolidated and re-enacted in these revised statutes, such office shall cease at the time such repeal shall take effect.

**371.07 Statutes of limitation.** In any case when a limitation or period of time prescribed in any act which is hereby repealed for the acquiring of any right or the barring of any remedy or for any other purpose shall have begun to run and a limitation or period of time for such purpose shall be prescribed in these revised statutes, the limitation or period prescribed by these statutes shall be held to apply only to such rights or remedies as shall accrue subsequently to the time when the same shall take effect; and the act repealed shall be held to continue in force and operative to determine all such limitations and periods of time, which shall have previously begun to run, unless in special cases in these revised statutes a different rule shall be prescribed.

**371.08 Statutes re-enacted, how regarded.** The provisions of these revised statutes, so far as they are the same in substance 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 these revised statutes and repealed shall be construed as applying to the same provisions so incorporated.

**371.09 In force in cities and villages.** All the laws contained in these revised statutes shall apply to and be in force in each and every city and village in the state as far as the same are applicable and not inconsistent with the charter of any such city or village; but when the provisions of any such charters are at variance with the provisions of these revised statutes the provisions of such charters shall prevail unless a different intention be plainly manifested.

**371.10 Special acts, how affected.** None of the general provisions of these revised statutes shall be construed so as to affect or repeal the provisions of any special acts relating to particular counties, towns, cities or villages or the officers or offices thereof unless such special acts are enumerated in the acts hereby repealed.

**Note:** This section is not general statutory rule of construction but is limited to construing revised statutes in which it is found. 28 Atty. Gen. 47.

**371.11 Change of corporate title.** The change by these revised statutes of the corporate title by which any municipal corporation may sue or be sued shall not affect any pending action or proceeding, but such action or proceeding may be prosecuted to final judgment and execution in the name heretofore prescribed by law, or such action or proceeding may be amended accordingly.