

## CHAPTER 8.

AN ACT TO AMEND SECTION THREE (3) OF CHAPTER SIXTY-FOUR (64) OF THE GENERAL STATUTES OF A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO JURISDICTION OF DISTRICT COURTS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section three (3) of chapter sixty-four (64) of the General Statutes of A. D. one thousand eight hundred and seventy-eight (1878), be and the same is hereby amended so as to read as follows:

SEC. 3. The said courts in term time and the said judges thereof in vacation have power to award throughout the State, returnable to the proper county, writs of injunction, ne exeat, certiorari, and all other writs or processes necessary to the perfect exercise of the powers with which they are vested, and the due administration of justice.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved November 21, 1881.

## CHAPTER 9.

AN ACT TO AMEND CHAPTER EIGHTY-FOUR (84), OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878.)

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section seven (7), of chapter eighty-four (84), of the General Statutes of A. D. one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows : 'The justice of the peace may at his discretion adjourn any trial under this chapter not exceeding six (6) days ; but but in all cases mentioned in section eleven of this chapter, except a case brought upon a written lease, signed and acknowledged by both parties thereto ; when the defendant, his agent or attorney, makes oath that he cannot safely proceed to trial, for the want of some material witness, naming him ;

Writs of injunction.

Justice may adjourn trial, when

that he has made due exertion to obtain said witness, and believes if such an adjournment is allowed he will be able to procure the attendance of said witness, or his deposition, in season to produce the same upon such trial; and if such person will give bond, with one or more sufficient sureties, conditioned to pay the said complainant for all rent which may accrue during the pendency of such action, and all costs and damages consequent upon such adjournment, the justice shall adjourn said cause for such reasonable time as appears necessary, not exceeding three (3) months; but no such adjournment shall be allowed where the action is brought upon a written lease executed as aforesaid.

Defendant to  
give bond.

SEC. 2. Section twelve (12), of said chapter eighty-four (84), of the General Statutes of A. D. one thousand eight hundred and seventy-eight (1878), is hereby amended to read as follows: No restitution shall be made under the provisions of this chapter of any lands or tenements of which the party complained of or his ancestors, or those under whom he holds the premises, have been in the quiet possession for three (3) years next before the entering of the complaint, after the determination of the leasehold estate that he may have had therein, nor shall a writ of restitution issue in any case for twenty-four (24) hours after judgment, if the party against whom judgment is rendered, or his attorney, states to the justice that he intends to take an appeal. *Provided*, that if said action is brought upon a written lease, executed by both parties thereto, against a tenant holding over, after the expiration of said lease, restitution of said premises shall be made forthwith, and if the party against whom judgment is rendered, in such case, gives notice to the justice that he intends to take an appeal, the justice shall thereupon, as a condition to the issuance of the writ of restitution, require of the complainant a bond, with two sufficient sureties, conditioned that the complainant will pay all costs and damages, if on said appeal said judgment of restitution shall be reversed or a new trial ordered; and upon the filing of such bond the writ of restitution shall issue in the same manner as if no notice of appeal had been given.

Restitution,  
writ of

SEC. 3. Section thirteen (13), of said chapter eighty-four (84), is hereby amended so as to read as follows: If either party feels aggrieved at the verdict of the jury, or decision of the justice, he may appeal within (10) ten days, as in other cases tried before justices of the peace, except that in all cases where the party appealing remains in possession of the property, his bond shall be, with two or more sufficient sureties, to be approved by said justice, conditioned to pay all costs of such appeal, and abide the order the court may make therein, and pay all rent and other damages justly accruing to the party who is excluded from possession of the property during the pendency of such appeal.

Appeal and  
bond

SEC. 4. Section fourteen (14), of said chapter eighty-four (84), is hereby amended as follows: Upon the taking of such appeal, all further proceedings in the case shall be stayed, ex-

Proceedings  
stayed, on ap-  
peal.

cept in case of actions brought upon a written lease, for the recovery of possession of property, after the expiration of the term thereof, in which case the writ of restitution shall issue the same as if no appeal had been taken, upon the execution and filing of a bond by the complainant as hereinbefore provided, and the appellate court shall thereafter issue all needful writs and processes to carry out the provisions of this chapter, according to the true intent and meaning thereof.

SEC. 5. Section fifteen (15), of said chapter eighty-four (84), of the General Laws of A. D. one thousand eight hundred and seventy-eight (1878), is hereby amended so as to read as follows: If a writ of restitution has been issued previous to the taking of an appeal, as provided in this chapter, the justice shall forthwith give the appellant a certificate of the allowance of such appeal, except in case where judgment has been entered in an action brought upon a written lease to recover possession of the property therein described, after the expiration of such lease. Upon the service of such certificate upon the officer having such writ of restitution the said officer shall forthwith cease all further proceedings by virtue of such writ, except in the cases as hereinbefore provided; and, if such writ has not been completely executed the defendant shall remain in the possession of the premises until the appeal is determined, except in case where the action is brought upon a written lease to recover possession after the expiration of the term in said lease specified.

Certificate allowing appeal.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved November 21, 1881.

## CHAPTER 10.

AN ACT TO AMEND SECTION TWENTY-NINE (29) OF CHAPTER THIRTY-FOUR (34) OF GENERAL STATUTES A. D. THE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO RAILROAD INTERSECTIONS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section twenty-nine (29) of chapter thirty-four (34) of the General Statutes of A. D. one thousand eight hundred and seventy-eight (1878), as amended, be, and the same is hereby amended, by adding thereto the words following: that is to say: And at any time, after the making of said order prescribing the location and manner of such

Railroad intersections.