

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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est thereon, after he shall have arrived at full age; and such minor may be bound out anew.

Minor discharged by death of master.

(25.) SEC. XXV. No indenture of apprenticeship or service, made in pursuance of this chapter, shall bind the minor after the death of the master; but the minor shall be thenceforth discharged therefrom, and may be bound out anew.

Apprentice not to be bound not to set up trade, &c.

(26.) SEC. XXVI. No master shall accept from any apprentice any contract or agreement, nor cause him to be bound by oath or otherwise, that after his term of service has expired, such apprentice shall not set up his trade, profession, or employment in any particular place, shop, house or cellar; nor shall any master exact from any apprentice, after his term of service has expired, any money or other things for using and exercising his trade, profession, or employment in any place.

Preceding provisions to apply to women as well as men.

(27.) SEC. XXVII. An indenture of apprenticeship or service, made in pursuance of this chapter, by or in behalf of a minor, may be made either with a woman or a man capable in law of contracting; and all the foregoing provisions shall apply as well to mistresses as to masters.

Common law right of father not affected.

(28.) SEC. XXVIII. Nothing contained in this chapter, shall prevent or affect the right of a father by the common law, to assign or contract for the service of his children, for the term of their minority, or any part thereof.

Mother of illegitimate child may consent to binding.

(29.) SEC. XXIX. The mother of an illegitimate minor child, shall have power to give the consent authorized in this chapter, to the binding of such child during the lifetime of the putative father, as well as after his death.

CHAPTER 56.

THE SUPREME COURT.

SECTION

- 1. Courts enumerated.
- 2. Sessions of supreme court; adjournment.
- 3. Jurisdiction of supreme court.
- 4. Powers of supreme court.
- 5. To prescribe rules of practice.
- 6. Decisions to be given in writing.
- 7. Any judge may issue process in vacation.
- 8. Absence of judges to be noted on record.
- 9. Clerk may adjourn court, when.
- 10. Special term when to be held.
- 11. Reporter of supreme court, his duties.

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- 12. Publication of reports.
- 13. Term of office of reporter, and salary.
- 14. Terms of supreme court.
- 15. Repeal of inconsistent acts.
- 16. Takes effect on passage.
- 17. Salaries of supreme court judges.
- 18. Salaries of district court judges.
- 19. Salaries payable quarterly.
- 20. Terms of office of judges.
- 21. Act takes effect on passage.

Handwritten: ... decisions. Ch. 56 & 6
[Chapter 56. Revised Statutes, Article 1.]

Courts of justice enumerated.

(1.) SEC. I. (a) The following are the courts of justice in this territory:

- 1. The supreme court;
- 2. The district courts;
- 3. Probate courts;
- 4. Courts of the justices of the peace.

SEC. II. [*Superseded by laws of 1858, page 22.*]

(a) See art. 6, sec. 1 of the constitution.

Handwritten: Look on laws of 1858 & 1859

(2.) SEC. III. [As amended on page 5 of the amendments of 1852 to the revised statutes.] Any session of the supreme court shall be continued from day to day, until the business before the court shall be disposed of, unless otherwise ordered by the court; but the court may be adjourned from time to time, for the hearing or decision of any matters or questions, or transaction of other business, as convenience or necessity may require.

Session of supreme court to be continued.

May be adjourned.

(3.) SEC. IV. The supreme court of this territory shall have and exercise appellate jurisdiction, only except as otherwise provided by law, which shall extend to all matters of appeal, error, or complaint, from the decisions, judgments or decrees, of any of the district courts, in all matters of law or equity, and may also extend to all questions of law, arising in any of the said district courts;

Jurisdiction of supreme court.

1. Upon a motion for a new trial in arrest of judgment, or in cases reversed by the said court;

2. In a final judgment in the district courts, in any action commenced therein or brought there from another court, and upon appeal from that judgment, to review any intermediate order, involving the merits, and necessarily affecting the judgment;

3. In a judgment or decision of any district court in a criminal action.

(4.) SEC. V. The supreme court shall have power to issue writs of error, certiorari, mandamus, prohibition, and all other writs and processes, not especially provided for by law, to all courts of inferior jurisdiction, to corporations and to individuals, that shall be necessary to the furtherance of justice and the execution of the laws; but no writ of error shall operate as a stay of proceedings or of execution, unless so ordered by the court, upon motion, or by one of the judges thereof in vacation, except in cases otherwise provided by law.

Powers of supreme court.

(5.) SEC. VI. [As amended on page 5 of the amendments of 1852 to the revised statutes:] The supreme court shall be vested with full power and authority necessary for carrying into complete execution all its judgments, decrees and determinations in the matters aforesaid, and for the exercise of its jurisdiction, as the supreme judicial tribunal of the territory; and may by order from time to time, make and prescribe such general rules of practice, both at law and in equity, and regulations for the said supreme court and the government of the several district courts, not inconsistent with the provisions of this act, as it may deem proper.

Authority and power of supreme court.

May make and prescribe rules of practice.

(6.) (a) SEC. VII. The said court shall in all cases decided by it, give its decision in writing, which shall be filed with the clerk of said court, with the other papers in the case.

Court to give decisions in writing, to be filed with clerk.

(7.) SEC. VIII. Any one of the judges of the supreme court shall have power in vacation to issue any of the writs or processes, which the said court is allowed by law to issue.

Any one of the judges may issue process in vacation.

(8.) SEC. IX. [As amended on page 5 of the amendments of 1852 to the revised statutes:] If any two judges of the supreme court shall not attend on the first or any other day of the term, the clerk shall enter such fact on record, and the judge present shall adjourn the court to the next day, and so on from day to day, for six days, if neither of the absent judges appear; at the end of which period, all matters pending in said court shall stand continued until the next regular or special term of said court.

Absence of judges of supreme court to be entered by clerk on record.

(9.) SEC. X. If neither of the judges appear, the clerk of said court may adjourn from day to day, as provided in the preceding section.

If neither judge appear, clerk to adjourn the court.

(a) The part of this section which authorized the court to appoint a reporter, is superseded by laws of 1853, page 36, and also by the constitution, article 6, section 2.

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Special term of said court when to be held.

(10.) (a) SEC. XI. Whenever from any cause it shall appear to the judges of the said court, or any two of them, that the public interest requires that a special term of the said court be held, the said judges, or any two of them, shall have authority to appoint a special term of said court, giving thirty days' previous notice thereof, by advertisement published in a newspaper at the seat of government of the territory.

Notice of such how given.

An Act providing for the appointment of a Supreme Court Reporter.

[Passed February 27, 1852.] a. 38

See Chap 64 in 270 p. 66

SEC. I. [Superseded by article 6 section 2 of the constitution, which authorizes the court to appoint a reporter.]

His duties.

(11.) SEC. II. It shall be the duty of said reporter to attend personally all the terms of the supreme court of this territory, and make a true and correct report of their decisions, and publish the same annually: *provided*, that when the reporter shall be necessarily prevented from attending personally any term of said court, he shall depute some suitable person to attend for him, and take notes of the decisions: *and provided also*, that when any judgment shall be given by said court, at any other time than a regular term thereof, the court shall communicate to the reporter a statement in writing of their decision in the case.

Publication of reports, etc.

(12.) SEC. III. [As amended on page 67 of the laws of 1856:] He shall have said reports printed by the public printer, and bound in good paper binding, and deliver one hundred copies thereof annually, to the secretary of the territory for the use of the territory, "the expenses for printing the same to be paid out of funds in the territorial treasury not otherwise appropriated; the copy-right of the said reports to belong to the territory." c 395

Term of office.

(13.) SEC. IV. [As amended on page 68 of the laws of 1856:] The said reporter shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and shall receive a salary of three hundred dollars annually, to be paid out of the funds in the territorial treasury not otherwise appropriated; and there is hereby appropriated the sum of six hundred dollars, out of funds in the territorial treasury not otherwise appropriated, as a compensation to the present reporter, for preparing the reports of the terms of the supreme court of January, 1854, 1855 and 1856, for publication. c 395 2

Salary.

SEC. V. and VI. [Obsolete.]

An Act providing for the terms of the Supreme Court.

[Passed January 11, 1858.]

Two terms, July and December.

(14.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That there shall be two terms of the supreme court annually, to be held at the seat of government of the state, on the first Monday of December, and the first Monday of July, in each year, and such other special terms there as the judges of said court may deem necessary, and shall from time to time order.

Other acts repealed.

(15.) SEC. II. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act to take effect on passage

(16.) SEC. III. This act shall take effect from and after its passage.

(a) See constitution, article 6, section 2.

An Act to provide for the Salaries of the Judges of the Supreme and District Courts.

[Passed August 11, 1858.] c. 89

(17.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That the chief justice and associate justices of the supreme court shall severally receive a salary of two thousand dollars per annum. Salaries of the judges of supreme court.

(18.) SEC. II. The judges of the district courts shall severally receive a salary of two thousand dollars per annum. Salaries of judges of district courts.

(19.) SEC. III. The said salaries provided for in the foregoing sections of this act shall be payable quarterly by the state treasurer, on the order of the auditor, out of any money in the treasury of the state not otherwise appropriated. Salaries payable quarterly.

(20.) SEC. IV. The term of office of each of the said judges shall commence and date from the first Monday of January, 1858, and their several duties shall be and remain as now provided by law, until the same shall be changed by the legislature. Term of office.

(21.) SEC. V. This act shall take effect and be in force from and after its passage. Act takes effect on passage.

CHAPTER 57.

of some decisions DISTRICT COURTS. *Chap. 57, 1858*

SECTION

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7. If judge shall not attend, clerk to adjourn court.
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9. Process not to abate by vacancy in office of judge.
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15. Court may require books and papers to be procured.
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17. Judge may appoint place of holding court in certain cases.
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21. *Ne exeat* and injunction, how granted; answer.
22. *Ne exeat* and injunction, how granted.
23. Equities, how interposed.
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28. Referees authorized.
29. Rules of court and defects provided for.
30. Appeals.
31. Taxes and costs.
32. Chancery proceedings abolished.
33. Act when to take effect.
34. Authorizes district court to change names.
35. Manner of procedure before court, to change name of individual.
36. Manner of procedure to change name of town or village.
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45. Duty of clerk of supreme court with reference thereto.
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47. Act takes effect on passage.
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50. In suits where the district judge may be interested, other district judge required to act, on request made.
51. Repeal of acts inconsistent.

Division cases Chap. 57, 125. 1863