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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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7 *Second.*—Where the parties were married within this
8 state, and the wife is an actual resident at the time of com-
9 mencing her action.

10 *Third.*—Where the marriage took place out of this state,
11 and the parties, or one of them have become and remained
12 inhabitants of this state, at least one year; and the wife is
13 an actual resident at the time of commencing her action.

1 SECT. 31. Such separations may be decreed for the fol-
2 lowing causes:

3 *First.*—Cruel and inhuman treatment by the husband of ^{New.}
4 his wife.

5 *Second.*—Such conduct on the part of the husband to-
6 wards his wife as renders it unsafe and improper for her to
7 cohabit with him.

8 *Third.*—The abandonment of the wife by the husband,
9 and his refusal or neglect to provide for her.

1 SECT. 32. The complaint shall specifically and particu-
2 larly set forth the acts and conduct on which the actoin is ^{New.}
3 founded, with times and places as far as possible, and the
4 defendant may take issue thereon; he may also allege with
5 like particularity, and prove by way of defense the ill con-
6 duct of the plaintiff, and if he establishes his defense, the
7 action shall be dismissed.

1 SECT. 33. The provisions of sections eleven to twenty-
2 three inclusive, and sections twenty-five, twenty-six and ^{New.}
3 twenty-eight, of the preceding title shall apply to and gov-
4 ern cases arising under this title.

1 SECT. 34. Where a decree for a separation forever, or
2 for a limited period has been granted, it may be revoked at ^{New.}
3 any time thereafter by the same court which granted it,
4 under such regulations and restrictions as the court may im-
5 pose, upon the joint application of the parties, and upon
6 their producing satisfactory evidence of their reconciliation.

struck out

CHAPTER LXIII.

SUPREME COURT.

1 SECTION 1. The supreme court has power to issue writs
2 of error, certiorari, mandamus, prohibition, and all other
3 writs and processes, not especially provided for by law, to
4 all courts of inferior jurisdiction, to corporations and to in-

C. S. p. 475, Sect. 4.
Amended.

c56

5 dividuals, that are necessary to the furtherance of justice
6 and the execution of the laws.

c17 1862—p. 70, Sect. 1.
-Amended.

1 SECT. 2. Said court is vested with full power and au-
2 thority necessary for carrying into complete execution all
3 its judgments, decrees and determinations in the matters
4 aforesaid, and for the exercise of its jurisdiction as the su-
5 preme judicial tribunal of the state; and shall, by order
6 made at general or special term, from time to time make
7 and prescribe such general rules and regulations for the
8 conduct and hearing of causes in said court, not inconsis-
9 tent with the statute law of the state, as it may deem proper;
10 and the said court shall by order, prescribe the manner of
11 publication, at the expense of the state, of such rules and
12 regulations, and the same shall not be in force until thirty
13 days after the publication thereof.

c56
c17 C. S. p. 476, Sect. 6 &
last sentence of
1862—p. 70, com-
bined.

1 SECT. 3. The said court shall in all cases decided by it,
2 give its decision in writing, which shall be filed with the
3 clerk of said court, with the other papers in the case. De-
4 cisions in cases heard at a general term may be filed in va-
5 cation and judgment entered thereon in pursuance of the
6 finding and order of the court with the same effect as upon
7 decisions made and filed in term.

c26 1862—p. 81, Sects. 1
& 2, combined.

1 SECT. 4. Said court at the time of announcing the de-
2 cision in every action pending in said court, shall file with
3 the clerk thereof, a syllabus of the decision in such action,
4 so prepared as to embody as briefly as practicable, the prin-
5 ciples settled in and by such decision; and said clerk im-
6 mediately thereafter shall make and furnish to the publish-
7 ers of each of the daily papers in the city of St. Paul, who
8 consent to publish the same without charge, a copy of each
9 syllabus so filed accompanied with the title of the action.

c56 C. S. p. 474, Sect. 7.

1 SECT. 5. Any one of the judges of the supreme court
2 has power in vacation to issue any of the writs or processes
3 which the said court is allowed by law to issue.

c25 1862—p. 80, Sect. 1.

1 SECT. 6. There shall be two general terms of the su-
2 preme court held annually at the seat of government of the
3 state; one on the first Tuesday in January, and one on the
4 first Tuesday in July.

c56 C. S. p. 475, Sect. 8.
Amended.

1 SECT. 7. If any two judges of said court shall not at-
2 tend on the first or any other day of the term, the clerk shall en-
3 ter such fact on record, and the judge present shall adjourn the
4 court to the next day, and so on from day to day for six
5 days, if neither of the absent judges appear; at the end of
6 which period said court shall be adjourned, and all matters

7 pending therein stand continued until the next regular or
8 special term.

1 SECT. 8. If neither of the judges appear, the clerk of
2 said court may adjourn from day to day, as provided in the
3 preceding section. C. S. p. 475, Sect. 9. c56

1 SECT. 9. Whenever from any cause, it appears to the
2 judges of said court, or any two of them, that the public in-
3 terests require that a special term of the said court be held,
4 the said judges, or any two of them, have authority to ap-
5 point a special term, giving twenty days' previous notice
6 thereof, by advertisement published in a newspaper at the
7 seat of government of the state. C. S. p. 476, Sect. 10.

1 SECT. 10. Whenever there is no general term of said
2 court at the time fixed therefor by law, for any cause, or
3 whenever there is a continuance of the term of said court,
4 or a change in the time of holding any term by act of the
5 legislature, all causes then upon the calendar of said court,
6 all writs, recognizances, appeals, and proceedings com-
7 menced, taken, or made returnable to said court at said
8 term, shall stand over to and be heard at the next general
9 or special term, with like effect as if no such failure, contin-
10 uance or change had occurred. New.

CHAPTER LXIV.

DISTRICT COURTS.

TITLE I.

POWERS AND JURISDICTION.

1 SECTION 1. The district courts of this state have original
2 jurisdiction in all civil actions within their respective dis-
3 tricts, when the sum in controversy exceeds one hundred
4 dollars; and in all civil actions of which a justice of the
5 peace has not jurisdiction, whatever the amount in contro-
6 versy; and the said courts, respectively, have original jur-
7 isdiction, to hear and determine all cases of crimes and mis-
8 demeanors committed in any county or place within their
9 respective districts, when the punishment exceeds three
10 months' imprisonment, or a fine of more than one hundred
11 dollars, and appellate jurisdiction in civil and criminal cases
12 from courts of probate and justices of the peace, as pres-
13 cribed by law. C. S. p. 473, Sect. 1.
Amended. c57