

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

Giving original jurisdiction in cases of Mandamus 1869

CHAPTER LXIII.

SUPREME COURT.

SECTION

1. Powers of supreme court.
2. Has power to carry into execution its judgments, decrees, &c.—shall prescribe rules, and have same published.
3. Shall give decisions in writing—judgment entered, when
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SECTION

5. Power of each judge in vacation to issue process.
6. General terms.
7. Absence of two judges, the judge present shall adjourn.
8. Absence of all the judges, clerk may adjourn.
9. Special term appointed, when.
10. Failure or continuance of term, causes on calendar to stand over.

SECTION 1. The supreme court has 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 are necessary to the furtherance of justice and the execution of the laws.

Powers of supreme court.
1 Min. 305.
4 Min. 304.
10 Min. 309.

SEC. 2. Said court is 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 state; and shall, by order made at general or special term, from time to time make and prescribe such general rules and regulations for the conduct and hearing of causes in said court, not inconsistent with the statute law of the state, as it may deem proper; and the said court shall by order, prescribe the manner of publication, at the expense of the state, of such rules and regulations, and the same shall not be in force until thirty days after the publication thereof.

Has power to carry into execution its judgments, decrees, &c.

Shall prescribe rules, and publish same.

SEC. 3. 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. Decisions in cases heard at a general term may be filed in vacation and judgment entered thereon in pursuance of the finding and order of the court, with the same effect as upon decisions made and filed in term.

Shall give decision in writing.

Judgment may be entered, when

SEC. 4. Said court at the time of announcing the decision in every action pending in said court, shall file with the clerk thereof, a syllabus of the decision in such action, so prepared as to embody as briefly as practicable, the principles settled in and by such decision, and said clerk immediately the aforesaid shall make and furnish to the publishers of each of the daily papers in the city of St. Paul, who consent to publish the same without charge, a copy of each syllabus so filed, accompanied with the title of the action.

Court shall file syllabus of each decision, and same shall be published.

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

Power of each judge in vacation to issue process.

SEC. 6. There shall be two general terms of the supreme court held annually at the seat of government of the state, one on the first Tuesday in January, and one on the first Tuesday in July.

General terms.

SEC. 7. If any two judges of said 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

Absence of two judges, the judge present shall adjourn.

the end of which period said court shall be adjourned, and all matters pending therein shall stand continued until the next regular or special term.

Absence of all the judges, clerk may adjourn.
Special term may be called.

SEC. 8. If neither of the judges appear, the clerk of said court may adjourn from day to day, as provided in the preceding section.

SEC. 9. Whenever from any cause, it appears to the judges of said court or any two of them, that the public interests require that a special term of the said court be held, the said judges, or any two of them, have authority to appoint a special term, giving twenty days' previous notice thereof, by advertisement published in a newspaper at the seat of government of the state.

Failure or continuance of term, causes to stand over.

SEC. 10. Whenever there is no general term of said court at the time fixed therefor by law, for any cause, or whenever there is a continuance of the term of said court, or a change in the time of holding any term by act of the legislature, all causes then upon the calendar of said court, all writs, recognizances, appeals, and proceedings commenced, taken, or made returnable to said court at said term, shall stand over to and be heard at the next general or special term, with like effect as if no such failure, continuance or change had occurred.

CHAPTER LXIV.

DISTRICT COURTS.

SECTION

POWERS AND JURISDICTION.

1. Original jurisdiction of district courts in civil actions.
2. Original jurisdiction in equity.
3. Power to issue writs and process.
4. Judge shall not try cause in which he is interested.
5. Judge of one district shall discharge duties of judge of another district, when.
6. Judge shall not practice as attorney—nor receive fee—nor be partner of practicing attorney—shall reside in his district.
7. Court not to be opened on Sunday—exception.
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9. Judge not attending, sheriff or clerk to open and adjourn.
10. Persons bound to appear at term which is not held, shall appear at next term.
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12. Process to be tested.
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SECTION

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16. May appoint place of holding court, when.
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JUDICIAL DISTRICTS.

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19. Second judicial district.
20. Third judicial district.
21. Fourth judicial district.
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23. Sixth judicial district.
24. Seventh judicial district.

GENERAL TERMS.

25. General terms in first district, when and where held.
26. In second district, when and where held.
27. In third district, when and where held.
28. In fourth district, when and where held.
29. In fifth district, when and where held.
30. In sixth district, when and where held.
31. In seventh district, when and where held.
32. Judge may hold court in county for which general terms are not provided—notice—how given.
33. Certain counties attached to others for judicial purposes—jurisdiction of county officers over counties attached.

*Authorizing District Ct. to change name
1869 - 68*