

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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CHAPTER LXI.

MARRIAGE.

§ 11. **Record and certificate of marriage to be made.** Every person solemnizing a marriage shall make a record thereof, and within one month make and deliver to the clerk of the district court of the county where the marriage took place, or of the county to which said county is attached for judicial purposes, a certificate under his hand containing the particulars mentioned in the preceding section, which certificate shall be filed and recorded by said clerk in a book kept by him for that purpose; and said clerk shall be entitled to receive the sum of twenty-five cents for recording said duplicate certificate from the person offering the same for record. (*As amended* 1883, c. 68, § 1.)

See page 624.

CHAPTER LXIV.

DISTRICT COURTS.

POWERS AND JURISDICTION.

§ 3. **Power to issue writs, etc.** 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. (*As amended* 1881, *Ex. Sess.* c. 8.)

See page 633.

DISTRICT COURT FOR FIRST DISTRICT.*

§ 17a. **Judges in first judicial district.** There shall be elected in the first judicial district two judges of the district court of such district, either one of whom shall have and exercise the powers of the court as now prescribed by law relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oaths and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judge of said district court shall apply to each of the judges of said court, and their successors shall be elected and vacancies in their offices filled as now provided in relation to the said judge of said court: *provided, however*, that the present judge of said court shall be the judge of said court for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified. (1881, *Ex. Sess.* c. 85, § 1.)

§ 17b. **May act in joint session—process.** The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age shall preside; if there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges. (*Id.* § 2.)

§ 17c. **May divide business and act separately.** The business of said court may be divided between said judges, and otherwise regulated as they may direct, by rule or otherwise, and each of the said judges may separately try court or jury cases, during the same term and at the same time. (*Id.* § 3.)

§ 17d. **Governor to appoint a judge.** Upon the passage and approval of

(*An act to create an additional judge for the first judicial district of the state of Minnesota. Approved November 19, 1881. *Laws* 1881, *Ex. Sess.*, c. 85.)

this act, the governor of this state shall appoint an additional judge for said district court, who shall hold until the next general election, and until his successor is elected and qualified. (*Id.* § 4.)

See page 634.

DISTRICT COURT FOR FOURTH DISTRICT.

*§ 27. **Judges of the fourth judicial district.** There shall be elected in the fourth judicial district of said state three judges of the district court of said district, any one or more of whom shall have and exercise the powers of the said court as now prescribed by law relative to the present judges of said court, except as otherwise provided by this act, and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges of said district court shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled, as now provided in relation to the present judges of the said district court: *provided, however,* that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected. (1881, *Ex. Sess.* c. 84, § 1.)

*§ 27a. That immediately upon the passage of this act, the governor of the said state shall appoint a competent person to be one of the judges of the said district court, who shall immediately thereafter qualify and enter upon the duties of said office, and shall hold the said office until a successor shall have been elected and qualified, which said successor shall be elected at the first annual election that occurs more than thirty days after the passage of this act. (*Id.* § 2.)

See page 636.

*§ 28. **May act jointly—process.** The said judges, or a majority of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and, when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age shall preside, and the decision of the majority shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either one of the said judges. (*Id.* § 3.)

See page 637.

*§ 29. **May divide business and act separately.** The said judges, or a majority of them, may divide the business of the said court between the said judges, and may otherwise regulate said business by rules or otherwise; and each of the said judges may separately try court or jury cases during the same term, or at the same time. (*Id.* § 4.)

See page 637.

*§ 29a. **Repeal of inconsistent laws.** All laws and parts of laws inconsistent with this act are hereby repealed. (*Id.* § 5.)

See page 637.

SHORT-HAND REPORTERS.

*§ 38. Change first proviso to read:

Provided, however, that no such reporter shall be appointed in any county containing less than five thousand inhabitants, whose board of county commissioners shall not first authorize such appointment. (*As amended* 1883, c. 56, § 1.)

See page 638.

JUDICIAL TERM.

*§ 61. **In Sixth district.**

* * * * *

In the county of Martin, on the second Tuesday of September in each and every year. (1883, c. 22, § 1.)

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In the county of Watonwan, on the third Tuesday of November in each year. (1881, *Ex. Sess.* c. 19, § 1.)
See page 641.

*§ 62. In seventh district. In the county of Douglas, on first Tuesday of May and first Tuesday of October. (1881, *Ex. Sess.* c. 31, § 1.)

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In the county of Morrison, on the second Tuesday in January and the second Tuesday in July in each year. (1883, c. 55, § 1.)
See page 641.

*§ 64. In the ninth district. That the general terms of the district court, in and for the ninth judicial district shall be held at the times, and in the several counties comprising said district, annually as follows, viz.:

In the county of Nicollet, on the fourth Monday of April and the fourth Monday of October.

In the county of Brown, on the first Monday of May and the first Monday of November.

In the county of Renville, on the first Tuesday after the second Monday of May, and on the first Tuesday after the second Monday of November.

In the county of Redwood, on the first Tuesday of June and the first Tuesday of December.

In the county of Lincoln, on the second Tuesday of June and the second Tuesday of January in each year. (1883, c. 27, § 1.)

In the county of Lyon, on the third Tuesday of June and the third Tuesday of December. (*As amended* 1883, c. 84, § 1.)

See page 642.

*§ 66. In eleventh district.

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In the county of Kittson, on the last Monday in May of each year. (1881, *Ex. Sess.* c. 83, § 1.)

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In the county of Wadena, on the first Monday of March and the first Monday of September of each and every year. (1883, c. 20, § 1.)

See page 642.

*§ 67. In twelfth district.

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In the county of Traverse, on the fourth Tuesday in September. (1883, c. 83, § 1.)

See page 643.

COUNTIES ATTACHED TO OTHERS FOR JUDICIAL PURPOSES.

§ 69. (SEC. 33.)

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The county of Kanabec is detached from the county of Pine and declared organized for judicial purposes; *term to be fixed by judge.* (1881, *Ex. Sess.* c. 87, §§ 2, 3.)

The county of Grant is detached from Douglas and organized for judicial purposes; *term to be fixed by judge.* (1883, c. 82, § 1.)

(*The vote authorized by 1881, c. 84, defeated the change contemplated thereby.*)

See page 643.